United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, MONDAY, APRIL 25, 2005 No. 51

House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. RENZI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 25, 2005.

I hereby appoint the Honorable RICK RENZI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of heaven and Earth, we bless You and we thank You for Your Holy Scriptures which quicken the mind and enrich our lives.

You spoke to us through prophets, patriarchs and kings, apostles and martyrs. Beginning with Moses through John of Patmos, their written message has become Your living word to challenge each of us and every society throughout human history, repent and believe, for their voice has gone out to the limits of the Earth, their words to the ends of the world.

Lord, may the perceptions, discussions, and decisions of Congress be enlightened by attentive listening to Your Holy Word. And may all of Your people across this Nation make Your revelations known by the way they take Your word to heart and bring it to life both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1268. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1268) ''An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU, to be the conferees on the part of the Senate.

The message also also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 643. An act to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 21, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 787: To designate the United States courthouse located at 501 I Street in Sacramento, California, as the ''Robert T. Matsui United States Courthouse''.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 26, 2005, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1726. A letter from the Secretary, Department of Agriculture, transmitting a draft bill ''To amend the United States Grain Standards Act to extend the authority of the

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Secretary of Agriculture to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and for other purposes''; to the Committee on Agriculture.

1727. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Electronic Transmission of Passenger and Crew Manifests for Vessels and Aircraft [CBP Decision 05-15] (RIN: 1651-AA37) received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. MENENDEZ (for himself and Ms. PRYCE of Ohio) introduced a bill (H.R. 1812) to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes; which was referred to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 278: Mr. FRANKS of Arizona.

H.R. 745: Ms. HART.

H.R. 1226: Mr. FOSSELLA.

H.R. 1262: Mr. DOGGETT, Mr. MOORE of Kansas, and Mr. RANGEL.

H.R. 1547: Mr. MCCAUL of Texas and Mr. KUHL of New York.

H.R. 1578: Mrs. MUSGRAVE, Mr. ISSA, Mrs. JO ANN DAVIS of Virginia, Mr. RUPPERSBERGER, and Mr. MORAN of Virginia.

H. Con. Res. 96: Mr. SHIMKUS, Mrs. JONES of Ohio, and Mr. CONYERS.

H. Con. Res. 127: Mr. WILSON of South Carolina.

H. Res. 222: Mrs. CUBIN.

H. Res. 228: Mr. CULBERSON, Mr. CARNAHAN, and Mr. DELAY.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, MONDAY, APRIL 25, 2005 No. 51

Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who desires truth in our inward parts, strengthen us to live with integrity. Remind us that only the pure in heart will see You. Give us the discipline of introspection that strips the soul to its bare essence. Remove from us every mask of pretense and clothe us with Your righteousness.

Bless the Members of this legislative body. Teach them that truth is not merely academic but commands commitment. Grant that they will not only speak the truth but do it as well. Give them the courage to follow truth wherever it leads them. Empower them to advocate for right, even though unpopular. Make them champions for justice even when they must stand alone.

Lord, show each of us the path that leads to life. We pray this in Your righteous Name.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. INHOFE. Mr. President, today we will resume debate on the motion to proceed to highway legislation. On Friday, a cloture motion was filed to the motion to proceed. Under the order, that cloture vote will occur at 11:45 tomorrow morning.

On behalf of the leadership, we hope that cloture will be invoked and that we will be able to begin consideration of the underlying bill. If the Senate can proceed to the highway bill tomorrow, Senators should expect another rollcall vote as the Senate considers amendments to the bill. Finally, I would like to announce the Senate will this week also consider any conference report that may become available.

NATIONAL KINDERGARTEN RECOGNITION DAY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 119, submitted today.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 119) designating April 21, 2005, as ''National Kindergarten Recognition Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I rise today in support of the resolution that nationally recognizes the critical role the kindergarten year plays in the lives of our Nation's children. This resolution designates April 21, 2005 as National Kindergarten Recognition Day.

I have chosen this day because exactly 168 years ago the first kindergarten classroom was opened. In 1837, many believed that young children did not have the ability to focus or to develop cognitive and emotional skills. However, Fredrich Froebel, a German school teacher and private tutor, held a different opinion and opened the first kindergarten classroom with the goal of shaping young children in a nurturing, educational, and protected environment.

Since then, Mr. Froebel's idea has been confirmed time and again by research—early years are learning years and kindergarten has a long history of enhancing children's cognitive, physical, and social development.

In the United States, kindergarten was first introduced to American communities in 1856. Now, close to four million children participate in kindergarten programs throughout the country. With attention now focused on increasing access to high-quality child care and pre-school programs, kindergarten is frequently overlooked.

While I support both of these laudable goals, I believe we cannot ignore the impact of the kindergarten year on the development of our Nation's children. And as policy makers, we must ensure that the kindergarten programs are using developmentally, culturally, and linguistically appropriate curricula and have teachers who have specialized knowledge and skills to address their unique needs.

On a personal note, I fondly remember my kindergarten year with my teacher, Mrs. Espinoza, who encouraged my curiosity and creativity. As a parent, I recall taking my daughters to their first day of kindergarten—they came home excited to tell my wife and me what they learned and to showcase their art and science projects in our home. Kindergarten prepared my girls for their later school success and cultivated their life-long love of learning. I will be just as proud to see my daughter Melinda graduate from high school next month as I was the day of her first school graduation, her kindergarten graduation.

It is a pleasure to introduce this resolution that honors kindergarten. It is my hope that we can use this day now, and in the future, to call attention to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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kindergarten and to discuss ways in which we can improve kindergarten classrooms throughout the Nation.

Mr. INHOFE. Mr. President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements be printed in the RECORD, without intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 119) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 119

Whereas Friedrich Froebel, known as the ''Father of Kindergarten'', opened the first kindergarten classroom on April 21, 1837, with the goal of shaping young children in a nurturing, educational, and protected environment;

Whereas kindergarten has a long history of enhancing children's cognitive, physical, and social development in the United States and throughout the world;

Whereas Margarethe Meyer Schurz opened the first German-speaking kindergarten in the United States in 1856, Elizabeth Peabody opened the first English-speaking kindergarten in Boston, Massachusetts, in 1873, and the first public school kindergarten classrooms were established under the leadership of Susan Blow and William Torrey Harris in St. Louis, Missouri, in the early 1870s;

Whereas kindergarten is a critical year in children's formal education, as well as in their continued physical, social, and emotional development, that prepares them for later school success and lifelong learning;

Whereas quality kindergarten programs use developmentally, culturally, and linguistically appropriate curricula, teaching practices, and assessments to support each child's learning and development progress to reach his or her maximum potential;

Whereas teachers who teach kindergarten need to have specialized knowledge and skills in working with young children to respond to the unique interests, learning styles, and developmental characteristics of children in their kindergarten year;

Whereas kindergarten programs need to be ready for all children who are eligible, including children with disabilities and children who are not native English speakers, and their families;

Whereas kindergarten programs should collaborate and coordinate with preschools and with the other early elementary grades in order to provide a continuum of appropriate, effective early learning for all children as they transition to and through the early grades of school;

Whereas in 2001, more than more 3,700,000 children between the ages of 4 and 6 years old attended kindergarten, including full-day, half-day, or alternate day programs;

Whereas the percentage of children attending full-day kindergarten programs has grown from 28 percent in 1977 to 60 percent in 2001; and

Whereas establishment of a ''National Kindergarten Recognition Day'' will help draw attention to the critical role kindergarten plays as the transitional year from early education programs to the elementary and secondary education system: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 21, 2005, as ''National Kindergarten Recognition Day'' to raise public awareness about the impact of the kindergarten year on the development of our nation's children; and

(2) urges the people of the United States to recognize the historic tradition of kindergarten in the United States and its contribution to preparing children for their elementary and secondary educational achievement and experiences.

NATIONAL SMALL BUSINESS WEEK

Mr. INHOFE. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 120, which was submitted today.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 120) honoring small businesses during the Small Business Administration's National Small Business Week, the week beginning April 24, 2005.

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise today in support of a Senate resolution that honors our Nation's 25 million small businesses and the tremendous contributions they make to our economy, as we celebrate the Small Business Administration's—SBA—National Small Business Week which runs April 24 through April 30, 2005.

Small businesses form a solid economic foundation for growth and job creation. The success of our Nation's small businesses have helped create nearly three-quarters of all new jobs and produce 50 percent of our country's gross domestic product.

Since becoming Chair of the Senate Committee on Small Business and Entrepreneurship, I have made it one of my top priorities to be a megaphone for small businesses and help raise the needs and concerns of our countries' job creators in the Senate. Each year, there are 3 to 4 million new business startups—and one in 25 adult Americans take the steps to start a business. With one quarter of existing small business owners intending to form another business, this is clearly a sector that deserves our accolades and recognition.

And of course, one of our most valuable assets for ensuring the success of small businesses is the Small Business Administration. This agency is pivotal in overseeing the delivery of financial and business development tools for millions of aspiring entrepreneurs and existing small businesses across the United States. And since 1999, the SBA's programs have helped created and retain over 4.5 million jobs.

Particularly, the SBA's financing programs have been a crucial source to accessing capital for small businesses, and have never been more in demand with both the 7(a) program and 504 program delivering measurable results. The numbers from fiscal year 2004 represent these programs indisputable success, with the 7(a) program providing over $13.5 billion in loans to help small businesses create 132,603 new jobs. The 504 program lent $4 billion to support the creation of 86,847 jobs.

Furthermore, the SBA's entrepreneurial development programs assisted almost 1.5 million startup and existing small businesses. In fact, the Small Business Development Center—SBDC—program served over 725,000 clients and helped create or retain over 168,000 jobs in fiscal year 2003, while the SBA's Women's Business Center's training and counseling helped to create or retain over 6,500 jobs in fiscal year 2003.

We have also provided small businesses with tax relief to help grow their business. For example, I championed an increase in the amount a small business can deduct when they invest in equipment and other business assets capital that fuels expansion and job creation.

So as we celebrate our Nation's small businesses, we must be mindful of Congress's responsibility to ensure that each business has the opportunity to flourish. With the BA's budget drastically declining by 36 percent over the last 5 years, I will not hesitate to take action and ensure that this vital sector continues to have the valuable resources they deserve.

The SBA has been a critical partner to millions of small enterprises as well as aspiring entrepreneurs as they embark on the path to prosperity and job creation. The least we can do is strengthen, not erode, the SBA's core loan and technical assistance programs that have proven time and again to be the keystone in aiding the efforts and dreams of America's entrepreneurs.

Today we celebrate our Nation's entrepreneurs and honor America's small businesses. I urge my colleagues to show their support for the small businesses in their States and support this resolution. We must remember that the investment and support that we provide to our small business today is integral to our Nation's economic and job security tomorrow.

Mr. KERRY. Mr. President, I rise today to honor America's single greatest economic resource: our small businesses. Small businesses drive our economy, making up 99 percent of all firms, and today marks the first day of the annual National Small Business Week celebration. This week, we honor the firms that are working year round to provide goods and services to us all. Every day, small businesses and entrepreneurs are making innovations, creating new jobs, and pushing our economy forward. In fact, more than 50 percent of our Nation's GDP and more than two-thirds of all new jobs in our economy are attributable to small businesses. From the high-tech startup and the small manufacturer to the family-owned bookstore and the lemonade stand run by the little girl down the street, small businesses and entrepreneurs are an exciting part of our communities. And the opportunities they create represent the American Dream.

Given the importance of small businesses to our economy, it is only logical that there would be a Federal agency dedicated to promoting and protecting their interests. The Small Business Administration, which I am sure my colleagues are well aware of, serves as an indispensable small business advocate and resource within the Federal Government. With offices and strategic resource partners across the country, the SBA is able to serve entrepreneurs at the local level by providing training, mentorship, and valuable resources and at the national level by encouraging agencies to extend contracts to small businesses and to develop small-business friendly regulations.

The SBA offers a number of programs designed to help small businesses overcome obstacles to success. I am proud to support these programs, which tackle issues ranging from entrepreneurial development and access to capital to Federal contracting and trade assistance.

Without these SBA resources, thousands of small businesses would not have grown, survived tough times, or even been created. Once small businesses such as Staples, Intel, Nike, America Online, Black Enterprise Magazine, Eskimo Joe's, Callaway Golf, FedEx, Hewlett-Packard, Jenny Craig, Gymboree, Ben & Jerry's, Winnebago, Sun Microsystems, and Outback Steakhouse all received assistance through at least one of the SBA's programs. These businesses started out small but are now household names. They prove that their owners had excellent business ideas even though traditional lenders or venture capitalists would not take a chance on them. The SBA gave these once small businesses an opportunity to grow, helping them to get their foot in the door and eventually bring new products to markets across the country and the world. The long-term gains that our economy experiences from helping these companies are too numerous to list entirely, but they include thousands of jobs, a stronger economy, increased opportunities and millions in additional tax revenue, which has paid for the SBA's budget many times over.

While helping them grow is a part of SBA's mission, many small businesses are not looking to become large corporations, and these too need SBA's assistance and support. Every small business is important. Our neighborhoods could not function and would not be the same without the local dry cleaner, the corner market, the day care provider, the hardware store, the car mechanic, the restaurant, and countless other small businesses. Whether family-owned or a franchise, an S Corp or a sole-proprietor, fast-growing or home-based, all small businesses contribute greatly to our economy. And for decades, the SBA has been there to help.

According to SBA Administrator Hector Barreto's recent testimony before the Senate Small Business and Entrepreneurship Committee, the SBA backed a record $21.3 billion in loans and related financing to small businesses last year. Of that money, nearly one-third of it went to businesses owned by women or minorities. The SBA's major technical assistance programs reached a record number of clients last year, and the procurement assistance programs aided more than 37,000 small businesses. These impressive figures demonstrate that the entrepreneurial sector of our economy is alive and flourishing, in part because of the SBA. It is up to us, in the Federal Government, to ensure that this entrepreneurial spirit continues to thrive.

This week, in honor of National Small Business Week, the SBA is hosting SBA Expo '05, which serves to highlight the year's greatest achievers and small business advocates. I am proud to join Senator SNOWE and several other members of Congress as an honorary cochair of this event, where the SBA will also honor the National Small Business Person of the Year and State winners, including Massachusetts' own Fred Curtis, Jr. of Curtis Tractor Cab. Mr. Curtis has worked tirelessly to expand his company, growing from 21 employees in 1988 to 221 employees last year. Demonstrating the value that a small investment can give, Curtis Tractor Cab has grown more than 700 percent since receiving an SBA 504 loan from the Worcester Business Development Corp. I thank Mr. Curtis for his important contributions to the Worcester area. I know I speak for the small business community in Massachusetts when I say we are very proud to have an entrepreneur like Mr. Curtis representing our State with this award.

I also commend all of the SBA award winners this week. Their contributions to their States, communities, and our national economy are immense. In addition, I specifically congratulate Steven Stultz, the National 2005 Financial Services Champion of the Year. Much of what the SBA does involves access to capital, and Mr. Stultz has been a ubiquitous leader for the greater lending community. He is an active member of the National Association of Development Companies—NADCO—sits on the Board of Directors for CDC Small Business Finance, and is in his second year of a 3-year term as chairman of the National Association of Government Guaranteed Lenders—NAGGL. Mr. Stultz's dedication and leadership have propelled the 7(a) and 504 loan programs into powerful economic development tools. He has worked closely with Congress, particularly with the Senate Committee on Small Business and Entrepreneurship, to make necessary and thoughtful changes to the SBA's several loan program. I am thankful and supportive of his tireless advocacy and work to make access to capital easier for small businesses nationwide.

As a tribute to the SBA and the 25 million small businesses in the Nation, Senator OLYMPIA J. SNOWE and I support S. Res 120, to honor their impact on our Nation and our economy. As the resolution indicates, the SBA has assisted more than 20 million entrepreneurs throughout its history. However, despite the agency's noble mission, its assistance to small businesses is being threatened by this administration, which has cut funding to the SBA by 36 percent since 2001—more than any other Federal agency. One can only imagine how much more the SBA could have done for small businesses this year with just the same funding it received in 2001. We may never know the true cost these cuts have had on the future growth of our economy. How many Intels were passed up for funding, how many rural businesses weren't able to get management assistance, and how many jobs weren't created?

Small businesses give entrepreneurs the opportunity to pursue their passion, they give parents the opportunity to stay at home with kids while supplementing the household income, they give people the opportunity to be their own bosses, they empower women and minorities, and they spark innovation. Small businesses are vital to the success of our country and our economy, and we must do everything in our power to ensure our small businesses and entrepreneurs have the greatest resources in the world.

Mr. INHOFE. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The resolution (S. Res. 120) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 120

Whereas America's 25,000,000 small businesses have fueled the Nation's economy, creating more than ¾ of all new jobs and accounting for more than 50 percent of the Nation's gross domestic product;

Whereas small businesses are the Nation's innovators, advancing technology and fueling the economic growth and productivity;

Whereas the Small Business Administration has been a critical partner in the success of the Nation's small businesses and these businesses' continued economic growth;

Whereas the mission of the Small Business Administration is to maintain and strengthen the Nation's economy by aiding, counseling, assisting, and protecting the interests of small businesses and by helping families and small businesses recover from natural disasters;

Whereas the Small Business Administration has helped small businesses access critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for government contracts, and improved the economic environment in which small businesses compete;

Whereas the Small Business Administration, which was established in 1953, has also provided valuable service to small businesses through financial assistance, technical assistance, procurement assistance, small business advocacy, and disaster recovery assistance;

Whereas for over 50 years the Small Business Administration has helped approximately 22,000,000 Americans start, grow, and expand their businesses and has placed almost $250,000,000,000 in loans and venture capital financing into the hands of entrepreneurs;

Whereas the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business; and

Whereas the Small Business Administration will mark National Small Business Week, the week beginning April 24, 2005: Now, therefore, be it

Resolved, That the Senate—

(1) honors small businesses during the Small Business Administration's National Small Business Week, the week beginning April 24, 2005;

(2) supports the purpose and goals of National Small Business Week; and

(3) commends the Small Business Administration and the Small Business Administration's resource partners—

(A) for their work, which has been critical in helping the Nation's small businesses grow and develop; and

(B) for being key players in the Nation's economic vitality.

CORRECTING THE ANABOLIC STEROID CONTROL ACT

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 893, introduced earlier today.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 893) to make technical corrections to the Anabolic Steroid Control Act of 2004.

There being no objection, the Senate proceeded to consider the bill.

Mr. INHOFE. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 893) was read the third time and passed, as follows:

S. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)), as amended by the Anabolic Steroid Control Act of 2004 (Public law 108-358), is amended by—

(1) striking clause (xvii) and inserting the following:

''(xvii) 13β-ethyl-17β-hydroxygon-4-en-3-one;''; and

(2) striking clause (xliv) and inserting the following:

''(xliv) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);''.

TRANSPORTATION EQUITY ACT; A LEGACY FOR USERS—MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed on H.R. 3, which the clerk will report:

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of a bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Mr. INHOFE. Mr. President, on Friday, the leader filed a cloture motion on the motion to proceed to H.R. 3, the highway bill. I believe the cloture vote has been scheduled for tomorrow at 11:45 am. I strongly urge all of my colleagues to vote yes.

The Transportation Equity Act for the 21st Century, TEA–21, expired on September 30, 2003, nearly 19 months ago. Yet we are still attempting to get a bill done. The Federal-aid program has been operating under a number of short-term extensions—a total of six to date.

We need to get this done. The vote on Tuesday on cloture is critical. If we cannot proceed to this bill, we will miss yet another deadline and our States will continue to pay the price. The current May 31 expiration date for the highway, transit and safety programs is fast approaching. The House bill, H.R. 3, has some very significant differences from S. 732 the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, SAFETEA, the bill reported out by the Environment and Public Works Committee on March 16. We will need as much time as possible to work out a compromise. Although we may not all be in perfect agreement here on the Senate floor on each and every provision of S. 732, one thing I believe we are all in agreement on is that we need to get this done. In addition to conversations with colleagues, I have visited with community leaders and outside interest groups and the message is clear . . . get the bill done.

My committee colleagues and I are asking the Senate to consider essentially the same language that 76 Senators voted for in 108th Congress. The Environment and Public Works Committee used as its mark the Senate-passed S. 1072 with the exception that we adjusted the numbers to reflect the President's proposed spending level of $284 billion over 6 years. During our markup we accepted several non-controversial amendments from committee members. None of these amendments substantially changed the policy goals of the bill as passed last year.

Therefore, I strongly urge my colleagues to support the pending cloture motion and allow us to move to H.R. 3. We really need to keep this moving. The longer we delay enactment of a long-term bill, we are negatively effecting economic growth. According to DOT estimates, every $1 billion of Federal funds invested in highway improvements creates 47,000 jobs. The same $1 billion investment yields $500 million in new orders for the manufacturing sector and $500 million spread throughout other sectors of the economy.

State contract awards for the 2005 spring and summer construction season are going out to bid. If we fail to send a bill to the President by May 31st, States will not know what to expect in Federal funding and the uncertainty will potentially force States to delay putting these projects out for bid. According to the American Association of State Highway Transportation Officials—AASHTO, an estimated 90,000 jobs are at stake. This problem is exacerbated for northern States, such as Alaska, that have shorter construction seasons. Many State transportation departments have advanced State dollars to construct projects eligible for Federal-funding in anticipation of our action to reauthorize the program. Without a new bill, States are essentially left ''holding the bag.''

Over the past 6 years under TEA–21, we have made great progress in preserving and improving the overall physical condition and operation of our transportation system. However, more needs to be done. A safe, effective transportation system is the foundation of our economy. We are past due to fulfill an obligation to this country and the American people.

I am pleased that the President's budget assumed more funding for reauthorization over his previous level of $256 billion. I and along with many of you believe we need more. Certainly that is an issue that will be thoroughly debated on the floor of the Senate, but we can't even have that debate unless we get to the floor.

Again, if we are able to proceed, the language that the Senate will be considering is essentially the same bill that was passed on the Senate floor last year—a bipartisan product of many months of hard work and compromise. This bill remains a very good piece of legislation which I hope will require few, if any, changes here on the floor. However, I am anxious to discuss with Senators their amendments so that we can debate them and hopefully get this bill in conference with the House prior to the recess, but we need to get to the bill first.

S. 1072 passed the Senate last year guaranteed all donor States a rate of return of 95 percent. I can remember that was 75 percent when I first came here. At a lower funding level we were able only to achieve a 92 percent rate of return but kept the 10 percent floor over TEA–21. The scope, or split of percent funding above and below the line, remain the same at 92.5 percent.

In order to get this bill off the floor, we have to balance the needs of donor and donee States. I will be the first to acknowledge that this balance—as with any compromise—is not perfect. My colleagues representing donee and donor States that receive lower rates of return or growth rates than they feel fair have made this fact very clear to me over the past year.

I am very sympathetic to the concerns of both donors and donees in this

situation. Both have significant transportation needs that cannot be ignored. Addressing their concerns has become more difficult in the last year due to the fact that we have less money. Providing either group with more money would add significantly to the cost of the bill or take away from other programs. But holding up even consideration of this bill will not solve the problem. We need to proceed to H.R. 3 so that donor and donee States will have the opportunity to offer their amendments on how to improve their State's treatment.

I am certain my colleagues share my strong desire to get a transportation reauthorization bill passed. We must act to get a bill to and through conference prior to the May 31 expiration of the current extension. This will be a very difficult challenge, but if we act quickly we can do it.

Now let's look at the alternative. What will happen if we do not pass a highway bill? There will not be another extension. If we don't pass the bill there will be no chance of improvement on donor State rate of return and no new safety core program to help Spates respond to thousands of deaths each year on our roadways.

Our bill up has many safety provisions, as the ranking Democrat, Senator JEFFORDS knows. We didn't agree on all these, but we finally agreed on a final product. Without a bill, there will be no real streamlining of environmental reviews, so critical products would be still subject to avoidable delays. There will be no increased ability to use innovative financing, thereby giving States more tools to advance projects.

Out in California, they have done some things that are working very well. We have studied these and put some very innovative provisions in this bill to allow us to get more for the dollar than we can get today. But without a bill, we cannot do that.

Without a bill, we would not have any Safe Routes to School. This is a program many of the Democrats and Republicans in the House and Senate have embraced. But without a bill, we will not have that.

Without a bill, the States will continue to have uncertainty in planning, thereby delaying projects and negatively impacting jobs.

It is easy to sit up here in Washington and be indecisive about these things, but the States have to make plans in advance. For each delay, that is less they are going to get.

Without a bill, we have no new border program, which is critical to border States dealing with NAFTA.

Without a bill, we have delay in the establishment of the national commission to explore how to fund transportation in the future. It is something we have been doing essentially the same way year in and year out, but we are studying new methods now as motor vehicles are more fuel efficient and a tax collection system based solely on fuel consumption becomes less practical.

Without a bill, we won't have any increased opportunity to address choke points at intermodal connectors.

The firewall protection of the highway trust fund would not be continued, thereby making the trust fund vulnerable to raids in order to pay for other programs.

It is very important that we move forward. We studied this for a year and a half before coming to the Senate a year ago right now. Certainly the ranking Democrat on the committee, Senator JEFFORDS, can remember the months and months we worked on it. We came to the Senate with a good bill, passed it, went to conference, and were unable to get a vote on the conference report. Because of that, all these 10 things I mentioned did not happen this year. For all these things to happen, to move forward, we have to have a bill. We cannot have a bill until we vote on the motion to proceed so that we will be able to move to the bill. That is what this is all about.

I recognize the ranking Democrat on the Environment and Public Works Committee, Senator JEFFORDS.

Mr. JEFFORDS. Mr. President, I thank Senator FRIST for the opportunity to debate this important legislation.

I also thank Senator REID for his leadership in getting us to where we are today on this bill.

In addition, I thank Chairman INHOFE, Senators BOND, and BAUCUS, as well as other chairmen and ranking members for all of their hard work and cooperation on this legislation.

A little over a year ago, I stood before my colleagues, in the same place I am standing now, asking for their support of our Nation's surface transportation system.

I am hopeful now, as I was then, that we will be able to work in a bipartisan fashion to pass this legislation quickly so our states can proceed with their critical work.

Today we are in a similar situation as we were a year ago.

Our bill maintains the important principles that were developed over the years of work in our committees.

We continue to grow and support the core programs that are the building block of a strong transportation system.

We maintain flexibility for States, because they know best how to meet their needs.

We also try to increase the funds going out to the States.

This bill will enhance safety on our Nation's highways through education, better infrastructure, and enforcement.

The increased intermodal flexibility set forth in the bill will allow States, if they wish to improve freight handling and movement.

The growth in congestion mitigation and air quality funding will help States improve air quality, reduce pollution and address congestion.

The bill makes it easier for States to mitigate project effects on habitat and wetlands, and retains and expands popular programs such as enhancements recreational trails and scenic byways.

This bill also reduces congestion on our Nation's roadways by enhancing public transportation and promoting intermodal solutions to regional transportation problems.

These are all critical components to a successful bill and I am glad that, through much hard work, we were able to develop strong national policy.

It may not be exactly what any one Member would have crafted on his or her own, but this is a strong and unified step in the right direction.

There are, however, some key differences.

A year ago, we presented you with a well-funded bill that struck a delicate balance between the core programs and flexibility on program and modal spending at the State and local level.

This time our job was made more difficult by fiscal constraints insisted upon by the administration.

The White House has suggested an overall funding level for surface transportation of $284 billion over 6 years.

This despite the President's own Transportation Department saying we need at least $300 billion to simply maintain the status quo, and something well above that level to make progress on conditions and performance.

Last year the Senate passed a highway bill at $318 billion with 76 votes.

It is unfortunate that the President fails to see the value of a robust transportation program.

It is unfortunate the President fails to see the jobs that will be lost, and the roads and bridges that will go unrepaired and unbuilt.

It is unfortunate the President doesn't see the lives that could be saved with better roads and the time that will be wasted sitting in traffic.

All of this is the result of inadequate funding.

While my colleagues and I have continued to impress upon him the value of increased funding, we continue to work within the box that the administration has put us in.

We tried to meet everyone's needs while not neglecting our responsibilities to the highway trust fund.

This is a very difficult task given the restrictions this administration has imposed on us.

But we did what was asked of us.

All of the committees have acted and passed a bill at $284 billion.

Make no mistake—we have made sacrifices that none of us wanted.

I am hopeful we will increase the funding in this bill as we move it through the Senate in the coming days.

That said, I stand here before you with the structure of a bill that has the potential to move our transportation system forward—not the giant leap we had hoped to make but meager steps that I hope will be the first of many in helping us get where we need to go.

Mr. President, I need not remind you that the authorization for this program expired 19 months ago.

In that time, there have been nearly 70,000 traffic fatalities with an economic cost of over $370 billion.

Americans continue to sit in traffic for close to 50 hours a year, 10 minutes more per hour traveled than when the last reauthorization bill was passed.

Mr. President, 18 percent of our roads are in poor or mediocre condition; 29 percent of bridges are deficient or functionally obsolete; over a quarter of our transit facilities are in below average condition; more than 3 million jobs are waiting to be created.

While we neglect to act, transportation in this country continues to degrade.

Things are getting worse, not better.

We have lost one construction season and are on our way to missing another.

In northern States such as Vermont, this is not a little problem. It is a big one.

We must act on this legislation now.

We must pass a nationwide surface transportation reauthorization bill this year.

I look forward to working with my colleagues to debate H.R. 3 on the Senate floor.

The PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I say to my good friend, Senator JEFFORDS, we are not political equals in philosophy; yet I, as a conservative, agree with everything the Senator has said in terms of the need for roads and the need for infrastructure.

Senator JEFFORDS talked about some of the deficiencies we have, but I have to say in my State of Oklahoma the FAWA goes out and they rate roads and bridges. Oklahoma is dead last in bridges. This is a life-and-death situation. We lose lives every year.

A lot of my friends say: Well, you did not want to have a robust, expensive highway bill. I say to them: That is what we are supposed to be doing here.

I am a conservative. There is no one more conservative, according to the ACLU, than I am in this Senate. Yet I can say we need to spend money on infrastructure in the United States.

I will say a little bit about the formula of which I have been very proud. Both my good friend from Vermont and I used to serve in the other body before we came to the Senate. At that time, I was on the Transportation Committee in the House. I watched the way we did things there and how we do things here. I don't want to be critical of the way the other body operates, but we do it in a more fair and equitable way.

It would be easy—if we needed 60 Senators, we could give them projects until everyone signed on, and then forget about the other 40, have a vote, and go home. That could happen, but we did not do that. We have a complicated formula.

This creates different anxieties in different States where there is opposition because in one particular area they do not do as well as another State. Let me give an example of how complicated the formula is.

In a formula, you take into consideration an abundance of items, such as interstate lane miles. This is something in the formulas we take into consideration. Obviously, there is a reason. Or vehicle miles traveled, which is referred to as VMT. Over the next few days we will hear that quite often. The vehicle miles traveled on interstate has to be something to consider in terms of authorizing a 6-year program.

The contributions to the highway trust fund are very significant. We hear from some of the large States that they give more to the highway trust fund. I suggest it is not just people in that State who are making those contributions; people driving through the State also have to buy fuel in those States.

The lane miles on principal arteries, excluding the intersection, is weighted in the formula to a percentage. The VMT on principal arteries is considered. Diesel fuel used on highways is a consideration. Total lane miles on principal arteries divided by population is considered when we look at a formula that would affect all 50 States. So total lane miles on Federal aid highways, total vehicle miles traveled on Federal aid highways, the contributions to the highway trust fund, or the highway account, attributable to highway users, the cost to repair or replace deficient highways and bridges have to be considered. In the State of Alaska, for example, the Presiding Officer's State, it is more expensive. They have severe winters in Alaska. We do not have severe winters in some of the Southern States. This has to be part of the consideration.

The weighted nonattainment and maintenance area, population, the equal shares to each eligible State on highways, recreational trails program, the border planning, borders and corridors—this is significant to States such as California and Arizona, Texas, Florida, and, of course, the northern tier of States. The border States' share of cargo weight, what their share is of cargo value, the number of commercial vehicles entering the border State, the number of passenger vehicles entering the border State—all these are part of the formula.

We have low-income States. My State of Oklahoma is a low-income State. The State of Arizona is a high-income State. That is a consideration. One of the chief workers on the bill has been Senator BAUCUS from Montana. He is the ranking member on the committee; KIT BOND chairs that subcommittee on transportation within our committee. He has a low-population State. Obviously, if you have a low-population State, that has to be a consideration. There still have to be roads so they can travel and other people can travel through their States. But if they base it all on getting 100 percent back, and they do not have extra consideration—that has to be part of the formula.

Low-population-density States is a factor. The high fatality rates are a factor. The fatality rate in my State of Oklahoma is higher than average. The guaranteed minimum growth of each State—there is a limit applied to that—and the guaranteed minimum rate of return for donor States is a consideration. I remember when that guaranteed minimum rate of return for donor States was 75 percent, and it only crept up to 80, 85 and 90; now we operate on 90.5 percent. If we passed the bill offered last year, the way it passed in Senate, we would be at 95 percent. Every State would be guaranteed 95 percent return of donations of that State.

If we did not do it this way, we could do it the politically easy way—handing out projects until it is done. But that is where pork comes in. That is where most of the criticism comes from. I have heard a lot of the commentators talk about the highway bill the Senate has is full of projects and pork. My response is they have not read it yet. There are only two projects in the entire bill. Only two. On the other side, there are several hundred. It is a totally different approach.

So we have these things that are of major consideration. We have to get this bill done. The best way to get it done, of course, is to vote favorably tomorrow on the motion to invoke cloture on the motion to proceed, and then to move on to the bill.

Now, we have several people who may wish to speak. I mentioned Senator BOND, who is the chairman of the Transportation Subcommittee. Senator BAUCUS, who has been very helpful in working with us, is the ranking member of the subcommittee. There is Senator JEFFORDS and myself. Of course, we have 18 members of our committee. We would like to invite them to come down right now. I will defer to anyone who wants to come down and talk about this legislation. In the event that nobody shows up, I have more to say. I think, probably, the Senator from Vermont might have more to say, too.

So at the present time I will go ahead and suggest the absence of a quorum and encourage members of our committee and others who want to be heard on the highway bill to come down and speak.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized to speak for up to 30 minutes as

in morning business. However, I want to say if anyone comes down to speak on the motion to proceed to the highway bill, I will stop at that point so they can be recognized. I will yield to them. However, I want my entire speech to be printed in the RECORD as if given intact.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THIRD PILLAR OF CLIMATE ALARMISM

Mr. INHOFE. Mr. President, today I will continue my series of the four pillars of climate alarmism. This is the third pillar speech. In my first speech, I outlined how the media and some of the environmental extremists distorted, exaggerated, and mischaracterized a major climate change report from the National Academy of Sciences.

I showed how the left and the media exaggerated a document that contained numerous caveats about the uncertainties of current knowledge and the caution that its conclusions were tentative, proclaiming the report showed conclusively that global warming due to man is occurring.

In my second speech, I described some of the more serious and, indeed, fatal flaws in the 2001 Third Assessment Report from the U.N.'s Intergovernmental Panel on Climate Change, known also as the IPCC, which I will refer to from time to time. In that speech, I exposed how Michael Mann's now infamous ''hockey stick,'' the flagship of the IPCC's claims that global warming is real, has been thoroughly discredited in scientific circles, and that the IPCC's projections of future carbon emissions, which drive temperature model conclusions, have been proven to be based on political decisions that, by the end of the century, countries such as Libya will be as wealthy or wealthier than the United States.

Now, I would like to examine the Arctic Climate Impact Assessment Report, which received considerable attention on its release late last year. Last November, the Arctic Council, described as a ''high-level information forum'' that includes the United States, Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, and Sweden, released its 140-page arctic synthesis report, entitled, ''Impacts of a Warming Arctic.'' It details the major findings from the Arctic Council's 1,200-page scientific report, which will be released in the coming weeks.

The essence of the synthesis report is this: The Arctic is experiencing unprecedented climate change, caused, in large part, if not entirely, by manmade greenhouse gas emissions, while projections show dramatic Arctic warming accompanied by even more pronounced changes that will have serious repercussions for the entire planet.

At first blush, the report appears to be quite impressive. It contains glossy photos, charts, and graphs, and was produced by some 300 scientists from several nations. But it lacks virtually any scientific documentation, which casts doubt on the report's page after page of unqualified, matter-of-fact claims about Arctic warming. That documentation, we are told, is forthcoming in the more lengthy scientific report. So it is unclear if the 140-page document accurately reflects the contents of the scientific report.

If it does, then the scientific report simply ignores or dismisses reams of peer-reviewed scientific work contradicting the Arctic Council's conclusions. If it does not, then the synthesis report would appear to be an exercise in global warming propaganda.

The release of the report created a media sensation with nearly every major news outlet declaring, once again, that the scientific consensus on global warming had been reaffirmed.

Here is the Chicago Tribune's report from November 24, 2004:

> The council's 140-page report, four years in the making, warns of immense ice melts, a dramatic rise in ocean levels, the depletion of the Gulf Stream and other sea currents, wild fluctuations in weather patterns, increased ultraviolet radiation and wrenching dislocations in the food chain and habitat.

In equally dramatic fashion, the Associated Press described the report this way. It said:

> This most comprehensive study of Arctic warming to date adds yet more impetus to the projections by many of the world's climate scientists that there will be a steady rise in global temperature as the result of greenhouse gases released into the atmosphere from the burning of fossil fuels and other sources.

Such descriptions of the report are really not far off the mark, and for good reason. In this case, the media and extremist groups got exactly what they wished for—140 pages detailing a daunting list of projected environmental catastrophes: permafrost melting, infrastructure collapsing, glaciers vanishing, sea levels rising, coastal communities flooding, polar bears facing extinction.

Worse, the authors left the impression that these scenarios were all but assured, despite the fact that the assumptions on which they are based are highly uncertain—a point I will examine later in this speech. Thus, no spin, distortion, or exaggeration on the media's part was necessary.

The synthesis report constructs a deceptive picture of climate changes that have occurred in the Arctic over the last 30 years, particularly with respect to temperature change. A major piece of evidence supporting the Arctic Council's alarmist conclusions is the Arctic's ''unprecedented'' temperature increase over the last several decades. The report's authors make the following statement on page 23. I am quoting now. It says:

> Examining the record of past climatic conditions indicates that the amount, speed, and pattern of warming experienced in recent decades are indeed unusual and are characteristic of the human-caused increase in greenhouse gases.

Specifically, according to the Council, annual average temperature in the Arctic has increased at almost twice the rate of the rest of the world, while winter temperatures in Alaska and western Canada have increased about 3 to 4 degrees Celsius over the past half century, with larger increases projected in the next 100 years.

Surely, this is proof of unprecedented, human-induced warming, and of worrisome warming trends for the future? Not quite. Let's take a closer look at the peer-reviewed literature on the temperature history of the Arctic, which the Arctic Council's synthesis report totally ignored.

First, in the November 2002 issue of the Journal Holocene, researchers examined proxy temperature data in northern Russia spanning over 2,000 years. They found that ''the warmest periods over the last two millennia in this region were clearly in the third, tenth to twelfth, and during the twentieth centuries.'' The earlier periods, they claim, were warmer than those of the 20th century, while 20th century temperatures appeared to peak at around 1940.

For a much broader perspective on Arctic temperatures, one can read the 2003 paper by researcher Igor Polyakov in the journal EOS, a publication of the American Geophysical Union. In the paper titled ''Trends and Variations in Arctic Climate Systems,'' Polyakov studied land and ocean data from northward of latitude 62.5 degrees north, dating back to 1870.

As is obvious from this chart, one can see that current temperature over the entire region is similar to that measured 70 years ago. According to Polyakov:

> Two distinct warming periods from 1920 to 1945, and from 1975 to the present, are clearly evident.

He goes on to note that ''compared with the global and hemispheric temperature rise, the high-latitude temperature increase was stronger in the late 1930s to the early 1940s than in recent decades.''

Strangely there is no mention of this in the Arctic report, but alarmists don't seem to care. They would probably respond that: 300 scientists from all over the world believe such warming is occurring. You, sir, have merely identified two whose research presents a contrary view.

To answer that charge I will submit for the RECORD an impressive list of scientists from several countries, including the United States, whose peer-reviewed work shows current Arctic temperatures are no higher than temperatures recorded in the 1930s and the 1940s.

Let me quote from a few salient examples. In a 2003 issue of the Journal of Climate, seven researchers concluded the following:

> In contrast to the global and hemispheric temperature, the maritime Arctic temperature was higher in the late 1930s through the early 1940s than in the 1990s.

Here is another excerpt from the 2000 International Journal of Climatology, Dr. Rajmund Przybylak of Nicholas Copernicus University in Torun, Poland. It reads:

The highest temperatures since the beginning of instrumental observation occurred clearly in the 1930s and can be attributed to changes in atmospheric circulation.

Finally, in 2001, researchers examined a 10,000-year span of sea core sediment in the Chukchi Sea and concluded that ''in the recent past, the western Arctic Ocean was much warmer than it is today.'' They also found that ''during the middle Holocene [approximately 6,000 years ago] the August sea surface temperature fluctuated by 5 degrees Celsius and was 3–7 degrees Celsius warmer than it is today.'' Obviously, the middle Holocene period was not known for SUVs and coal-fired powerplants.

To get a fuller sense of the report's bias, consider the Arctic Council's geographical definition of ''the Arctic.'' This is important because the temperature record differs depending on one's definition. The Arctic report's temperature record includes data from northward of latitude 60 degrees North. Why the Arctic Council chose this point is not explained. In fact, the report's authors responsible for defining the Arctic admitted last November that their choice was arbitrary.

The Arctic Council's starting point is problematic for two reasons. First, Dr. George Taylor, Oregon's State climatologist and a past president of the American Association of State Climatologists, recently examined Arctic temperature trends using different starting points. As Dr. Taylor found, ''[u]sing 60 degrees North introduced a lot of . . . questionable Siberian stations.'' In other words, measurements at that point are based in part on bad data.

Second, other researchers see the Arctic differently, and probably more accurately when describing long-term temperature trends. Polyakov, for example, defined Arctic as northward of 62.5 degrees North. This 2.5-degree difference is not trivial. Temperatures can change significantly between 62.5 degrees North and 60 degrees North. In fact, pushing the geographical boundaries southward, as the Arctic Council did, contributes to a substantial upward bias in temperature measurements.

Not only was the Arctic region arbitrarily defined, it appears that marine and coastal-based data were arbitrarily excluded from the report's temperature record. This is strange, considering two-thirds of the Arctic is covered by the Arctic Ocean. So it seems unreasonable to use only land-based stations, as the Arctic Council did, and not to include coastal stations, Russian drifting stations in the Arctic Ocean, and drifting buoys from the International Buoy Programme, as Polyakov and his colleagues did.

Using such data reveals a less dramatic temperature picture than the Arctic Council's. In 1993, University of Wisconsin climatologist Jonathan Kahal examined declassified data collected over the Arctic Ocean during the Cold War. In a paper in the journal Nature, Kahl found an ''absence of evidence for greenhouse warming over the Arctic Ocean in the past 40 years'' and a net decline in Arctic temperature. Admittedly, Kahl's temperature history stretches only from 1958 to 1986. But more importantly, it relies on marine and coastal-based data.

Dr. Taylor was among many mystified by these omissions. For him, there is only one possible explanation: ''The [Arctic Climate Impact Assessment] appears to be guilty of selective use of data.'' He further explained, ''Many of the trends described in the document begin in the 1960s or 1970s—cool decades in much of the world—and end in the warmer 1990s and early 2000s. So, for example, temperatures have warmed in the last 40 years, and the implication, 'if present trends continue,' is that massive warming will occur in the next century. Yet data are readily available for the 1930s and early 1940s, when temperatures were comparable to (and probably higher than) those observed today. Why not start the trend there? Because there is no net warming over the last 65 years?

This is kind of interesting because I can remember also giving a speech where I showed the cover of ''Newsweek'' magazine and the cover of ''U.S. News and World Report.'' This was back in the 1970s. And the headlines were: Cooling period is coming; a new ice age is coming. We are all going to die. It is the same thing people are saying about a warming climate. If your starting point is at the end of that cold period, it gives a distortion, if there has been no net warming over the last 65 years.

In the pop culture version of global warming, there is no greater attraction than melting glaciers and sea ice. Press accounts appear daily of new studies purporting to show a widespread glacial retreat stemming from man-made greenhouse gas emissions. Warnings abound that this melting will cause a calamitous rise in sea levels. True to form, the Arctic Council follows the same story line, asserting that, ''glaciers throughout the Arctic are melting.'' ''This process is already under way,'' the report states, ''with the widespread retreat of glaciers, snow cover, and sea ice. This is one reason why climate change is more rapid in the Arctic than elsewhere.'' but is this really the case?

Interestingly, the IPCC Third Assessment Report references peer-reviewed studies that contradict the Arctic Council's assessments. The IPCC, an organization convinced of the validity of the global warming consensus, noted that, ''Glaciers and ice caps in the Arctic also have shown retreat in low-lying areas since about 1920,'' but also stated, ''However, no increasing melting trend has been observed during the past 40 years.''

Sonar data on sea ice collected in the 1990s also tell a different story. As the BBC wrote in 2001. ''The latest and most comprehensive analysis yet of the sonar data collected in the 1990s shows little if any thinning—at least towards the end of that decade. Indeed, at the North Pole, there are indications in the data that the ice even got a little thicker.''

What they are saying is, there are some areas that you can visibly go to and say yes, glaciers are melting, but in other areas it is getting thicker.

Among other omissions, the Arctic Council gave little weight to the observed variability of Arctic sea ice thickness. The term ''observed variability'' of sea ice thickness has specific meaning in the Arctic: Scientists estimate that sea ice mass there can vary by as much as 16 percent in a single year. As Dr. Seymour Laxon, a lecturer in the Department of Space and Climate Physics at the University College London, explained, ''The observed variability of Arctic sea ice thickness contrasts with the concept of a slowly dwindling ice pack, produced by global warming.''

So what causes these variations in sea ice mass? In 2002, Dr. Greg Holloway, of the Institute for Ocean Sciences in Sidney, Canada, and his colleagues Dr. Tessa Sou, showed that decadal wind pattern changes caused a shifting of Arctic sea ice, creating thinner ice in some regions and thicker ice in others. As Dr. Holloway explained, ''It's a circumstance where the ice tends to leave the central Arctic and then mostly pile up against the Canadian side, before moving back into the central Arctic again.'' Based on this research, Dr. Holloway believes that ''we have been a little bit overly stampeded into the idea that here is a terribly alarming melting taking place.''

Holloway is not alone in his assessment. In 2003, German researchers Cornelia Koeberle and Ruediger Gerdes found evidence of natural ''wind stress'' strongly affecting variability in Arctic sea ice. ''The results make connecting 'global warming' to Arctic ice thinning very difficult for two reasons,'' the researchers wrote. ''First, the large decadal and longer-term variability masks any trend . . . Second, the wind stress strongly affects the long-term development of ice volume. A long-term change in wind stress over the Arctic, possibly by an increase in the number of atmospheric circulation states that favor ice export, would affect the ice volume in a similar manner as a temperature increase.''

In addition to questionable claims about Arctic sea ice, the Arctic report includes dubious projections about the Greenland Ice Sheet. Climate models, the Arctic Council reports, ''project that local warming in Greenland will exceed 3 degrees Celsius during this century.'' The result? ''Ice sheet models project that a warming of that magnitude would initiate the long-term

melting of Greenland Ice Sheet.'' And furthermore, ''Even if climactic conditions then stabilized, an increase of this magnitude is projected to lead eventually (over centuries) to a virtually complete melting of the Greenland Ice Sheet, resulting in a global sea level rise of about seven meters.''

This sounds ominous, but again, peer-reviewed literature on the subject, excluded from the Arctic report, tells a countervailing story. For example, a team of experts at Los Alamos National Laboratory recently examined Greenland's instrumental surface temperatures. Here's what they found: ''Since 1940, however, the Greenland coastal stations data have undergone predominately a cooling trend. At the summit of the Greenland ice sheet, the summer average temperature has decreased at the rate of 2.2 [degrees Celsius] per decade since the beginning of the measures in 1987.'' We are talking about a reduction in temperature, of an increase.

Finally, the report's projections for the Greenland ice sheet, glaciers, and sea ice were based on data obtained from global climate models. Those projections assume anthropogenic warming, and proceed to show a gradual but persistent melting of glaciers and ice, leading to a dangerous rise in sea levels. However, as climate scientists have repeatedly pointed out, climate models are highly imperfect. In fact, they are notoriously inaccurate in how they simulate the complexities of the climate system.

This is especially true of Arctic climate. According to a letter signed by 11 climate scientists, sent to the Senate Commerce Committee last fall, ''Arctic climate varies dramatically from one region to another, and over time in ways that cannot be accurately reproduced by climate models. The quantitative impacts of natural and anthropogenic factors remain highly uncertain, especially for a region as complex as the Arctic.''

Researchers associated with the University of Alaska-Fairbanks wholeheartedly endorsed this view. They recently wrote, ''Unfortunately, most global climate models are not capable of sufficiently reproducing the climatological state of the Arctic Ocean, sea ice and atmosphere . . . as [an] example, the simulated sea ice thickness is overestimated, and its overall pattern is in error, with the thickest ice located in the Siberian instead of the Canadian sector of the Arctic Ocean.''

Based on these well-documented technological constraints, how can one take seriously the Arctic Council's claim that ''While the models differ in their projections of some of the features of climate change, they are all in agreement that the world will warm significantly as a result of human activities and that the Arctic is likely to experience noticeable warming particularly early and intensely''?

The alarmist nature of the Arctic report is to be expected. How else can they justify its enormous costs of regulating carbon dioxide? We know the costs of this would be enormous. Wharton Econometrics Forecasting Associates—this is from the Wharton School of Economics, not from Senator JIM INHOFE—estimates that implementing Kyoto would cost the average American family of four $2,715 a year. Acknowledging the holes in the science underlying claims of catastrophic global warming would undermine their agenda. What is the agenda? Two international leaders have said it best.

Margot Walstrom, the EU's environmental commissioner, said that Kyoto is ''about leveling the playing field for big business worldwide.'' French President Jacques Chirac said during a speech at The Hague in November 2000 that Kyoto represents ''the first component of an authentic global governance.'' That is what they want to do, level the playing field for big business worldwide, bring the United States down to Third World status eventually, and have an authentic global governance.

Based on these and other major deficiencies, the Arctic Climate Impact Assessment hardly serves as compelling proof that greenhouse gas emissions are causing unprecedented changes in Arctic climate, or that trends point to a future marred by widespread damage to Arctic ecosystems. To be sure, the report fails to provide a thorough, balanced, comprehensive overview of the most compelling research on Arctic climate.

Instead, the so-called ''synthesis report'' is a biased, selective examination of climate trends in the Arctic. It completely ignores well-known, established facts. For instance, it is firmly established that Arctic temperatures in the late 1930s and early 1940s were higher than in the 1990s and that Greenland's temperatures in recent decades have undergone a cooling trend, not a warming trend. It is also well known that sea ice mass can vary by as much as 16 percent in a single year. Moreover, this report fails the test of transparency and openness and lacks virtually any documentation. It reads more like an ideological tome. Extremist groups are using it as a legal brief to sue energy producers on behalf of Arctic peoples. Hardly surprising.

Dr. George Taylor, Oregon's State climatologist, succinctly described the report when he said: ''Nice graphics, but bad science.''

This is what we have been hearing. The extremists have to make us believe that something catastrophic will happen. The same people who are talking about global warming today were the ones who, in the 1970s, were talking about global cooling, saying another ice age is coming. It is interesting.

I recommend reading a book by Michael Creighton called, ''The State of Fear.'' Michael Creighton is one of the best-known authors in America. He writes fiction; these are novels, but he is a scientist and also a medical doctor. He was going to write a novel on global warming and the terrible things that could happen. Instead of that, after he did research, he wrote another novel. While it is fiction, its footnotes are all scientific. I recommend that book. As any thoughtful person who has a scientific background will tell you, the idea of global warming very well may be the greatest single hoax ever perpetrated on the American people.

With that, I made the comment before speaking that I am anxious for Members to come down and talk about our bill. We are now under debate on the motion to proceed to the consideration of the highway bill, H.R. 3. We will have a vote on that motion to proceed tomorrow morning. The vote is set for sometime around 11 o'clock tomorrow morning. I have been told there are some Members who wish to speak in morning business. I would like to inquire, if there are any real long speeches, if at some point someone comes down to speak on the highway bill, or on the motion to proceed to that bill—I would not want a commitment, but I would request they defer to them when they should arrive on the floor.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHALLENGES IN THE SENATE

Mr. DORGAN. Mr. President, first of all, I am really pleased we finally have the highway bill on the floor. I appreciate the leadership of the chairman and the ranking member. This is an authorization that is, I think, 2½ years old or so. Many of us have been frustrated. I know the chairman and Senator JEFFORDS have been frustrated that we have not been able to finish this work. I hope we can finish this bill and move it through the Senate.

I wanted to comment about another couple of issues. I am worried about the way things develop here in the Senate. We treat serious things too lightly; we treat light things too seriously. We have, it seems to me, the framework for a huge brawl in the Senate over procedure, and there are so many challenges facing our country that this President and this Congress are not looking in the eye with the thought of responding directly to them. I will mention a few of them today.

Politics, regrettably, in recent times has become a sport in which one side trashes the other side, and it is either our way, or no way, or the highway. Now, we have a circumstance where we are facing serious challenges: we face fiscal policies that are off the rail, the largest budget deficits in history; we face the largest trade deficit in history, with massive numbers of American jobs being shipped overseas; we face energy problems that are causing severe pain and dislocation, and everybody

knows what the price of gasoline is these days; we struggle with health care costs that are skyrocketing; and all of these issues are hard for families to deal with. And yet, despite these issues, we are confronted by the prospect of a majority that doesn't like the current rules with respect to judgeships, so they will try to break the rules of the Senate, for the first time in history, in order to change the rules because we have approved only 205 out of 215 judges sent to us by the President—again, we have approved 97 percent of all of the judges sent to us by the President for lifetime appointments on the bench. But because there are 10 that have not been approved, the President and the majority party believe they want to break the rules of the Senate in order to change the rules of the Senate.

There are so many other important things we ought to deal with. It is just Byzantine that this issue is what we are fighting about. There is a constitutional role for the Congress—particularly the Senate—with respect to judgeships. The President proposes, and we advise and consent. There is nothing in the Constitution that says we cannot use the rules of the Senate for those few judges we believe are inappropriate, those few we think represent the extreme and should not be on the bench for a lifetime.

Yet, because, again, 3 percent of the judges have not been approved, while 97 percent have, we have the prospect of what is commonly called the ''nuclear'' option of trying to change the Senate rules by breaking the Senate rules.

I will tell you what I think we should be working on. First, health care costs. The fact is, when most families sit around their supper table and talk about their lives, they are talking about things that relate to their everyday existence: Do I have a good job? Does it pay well? Do I have job security? Do grandpa and grandma have access to good health care? Are we sending our kids to good schools? Do we live in a safe neighborhood?

These issues affect the daily lives of the American people. Health care is not an option. When you are sick, you need health care. We have 45 million people without health insurance. We have the cost of health care skyrocketing. It is rising at a much more rapid pace than inflation. The cost of prescription drugs is going out of sight. Yet, is this Congress tackling health care issues? No, we are not. Will we allow legislation on the floor of the Senate that would provide for the safe reimportation of prescription drugs to put downward pressure on prescription drugs? No. Will we allow the Federal Government to negotiate lower prices with the pharmaceutical companies like the VA? Will we allow that negotiation for the Medicare Program? No. In fact, this Congress explicitly says you may not do that. It is unbelievable. We have these huge health care challenges, but we will not look that issue in the eye.

Our budget deficits are the largest in the history of our country. We just passed an $80 billion emergency bill last week. We knew for 2 years that is what it would cost—$5 billion, $6 billion a month in Iraq and Afghanistan—and there was zero in the President's budget request for it. So they proposed spending it on an emergency basis. Nobody talks about raising money for it; just spend it. In fact, I have raised questions about how it is being spent—and I offered an amendment saying we are being stolen blind with respect to contractors in Iraq—to wit, Halliburton. Halliburton is charging us for 42,000 meals a day served to U.S. soldiers, when it turns out they are serving only 14,000 meals a day. In my hometown, they have a word for that sort of thing.

I asked for an investigation into this kind of waste, fraud, and abuse in contracting. It is massive. But you cannot get a committee to investigate that. The Congress doesn't want to have a select committee to investigate that. So it is just throwing the money out the door in hopes that some of it will stick. In fact, there is massive waste, fraud, and abuse and everybody knows it. But nobody wants to confront it.

Education. We have a serious problem with education in this country. There are 400,000 qualified high-school kids that will not go to college this year because of financial burdens, and another 220,000 kids won't go to college because they simply cannot afford it. You have well over a half-million qualified kids who will not be going to college who should be in college. We know college tuition has risen 28 percent, after inflation, in the last 4 years. We have not considered the reauthorization of the Higher Education Act. We extended it, but that should have been reauthorized several years ago. It is set to expire. The President's budget would eliminate the Perkins student loan program, Upward Bound, and a series of other programs that I think are very important. Pell grants have largely been stagnant in terms of their level, while tuition has gone way out of sight.

We don't look energy right in the eye, although I must say there is hope here. I met with Senators DOMENICI and BINGAMAN. I am a senior member on the Energy Committee, and I hope we can bring a bill to the floor of the Senate. That is a bipartisan bill.

Go to the gas pump these days, and then read in the paper after you paid for that gas, that Exxon reported the highest profit ever reported for one quarter by any corporation. Think of that. We have a revenue-sharing system by which the American taxpayer, the American consumer shares their money with the Saudis, the Kuwaitis, the Iraqis, the Venezuelans, and others who have the oil, and then the oil companies that are the conduit for that oil are making record profits as well.

If anything demands an investigation, it is that, in my judgment. We need an energy policy that does not hold this country hostage to oil, 60 percent of which comes from off our shores.

These are a few of the issues we ought to stare straight in the eye, and those of us who are not part of the political extreme—and there are too many these days who are perverting the political process in this country, I think a shameful perversion of the political process in many ways—but I hope those of us who are part of the strong political center in America will finally convince this administration and this Congress to take a hard look at the real challenges our country faces and then begin the long, challenging work to try to address them.

This is a great place. We are lucky to be here, lucky to be alive now. There is no place like it on Earth. It is our job as caretakers of this wonderful democracy to fix problems as we see them, to address problems, not to go off on these political searches to figure out who is the worst. The question is not who is the worst in the political system of ours, the question is whose ideas are the best that can move this country forward and give our country and our children the prospect for a better and brighter future.

I have much more to say, but because of time constraints today, I will leave it at that and say I hope as these weeks unfold we will begin to address the substance of the real challenges facing our country—Federal budget deficits, trade deficits, health care, education, energy, and other issues—all of which have a significant impact on the way we live in the country and all of which will have a significant impact on America's future.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I want to make a couple comments in response to my good friend from North Dakota.

First, I encourage Members to come down to the Chamber. The current order of business is the motion to proceed to the highway bill. It is very important. It is critical. There is nothing we are dealing with right now that is more important. There is so much at stake, as I already outlined. We need to have more Members come down. Certainly, if I am talking, I will defer to them if they do come to the floor.

PARTNERSHIP FOR FISH AND WILDLIFE

Mr. INHOFE. Mr. President, I wish to share with you an experience from last Friday. We had a field hearing in Oklahoma on the Partnership for Fish and Wildlife. This is a program not many people know about. It is one that has

not ever been authorized, but it is one that has gone year to year with an appropriation, whereby a landowner who is trying to do something for the environment, trying to do something for conservation, trying to do something for habitat will put up $3 for every $1 the Fish and Wildlife Service puts up to join a partnership with them. They have come up with some incredible results, and it shows that those areas of Government where you work with Government and not have Government dictating mandates to individuals or to communities works so much better. This is a model for other programs. Consequently, I thought Earth Day was a good day for me, as chairman of the Environment and Public Works Committee, to introduce the bill, which I have introduced, to authorize this Partnership for Fish and Wildlife Program.

Also, there is a vacancy that has occurred with the Director of the U.S. Fish and Wildlife Service. We have a Southwest regional director by the name of H. Dale Hall. He came up for our hearing on Friday in Oklahoma. He is one of the incredible, dedicated Federal workers. It seems to me he would be an excellent Director for the U.S. Fish and Wildlife Service. I would like to nominate this man for that purpose.

He is a wildlife biologist. Mr. Hall meets the qualifications for the U.S. Fish and Wildlife Service Director as established by 16 United States Code 742B, being knowledgeable in the principles of fisheries and wildlife management by reason of education and experience. Mr. Hall received a bachelor of science degree in biology and chemistry from Cumberland College in Williamsburg, KY, and a master's degree in fisheries science from Louisiana State University.

He had military experience prior to joining the Service in 1978. Mr. Hall served 4 years in the U.S. Air Force beginning in 1968 with overseas assignments in Italy and the Philippines.

He has private sector experience. After returning to civilian life in 1972, Mr. Hall managed catfish farms in the Mississippi Delta region for Eden Fisheries and Farm, Inc.

He has experienced all kinds of awards. He joined the Service in 1978 and has worked in the Mississippi Valley, Houston field office, the Washington, DC, office, the Pacific regional office, the Southwest regional office, and now serves as regional director for the Southwest region. That is Oklahoma, Texas, Arizona, and New Mexico.

He was honored as one of the Service's 10 most outstanding merit pay employees for 1986. In February of 1996, he was presented with the Department of Interior's Meritorious Service Award by then-Secretary Bruce Babbitt.

I nominate this man for this position. I think he would make an excellent Director of the U.S. Fish and Wildlife Service.

I again reiterate that the order of business now is on a motion to proceed to the highway bill. Cloture has already been filed. We will be voting on cloture tomorrow morning. I cannot think of one thing we are doing now that is more important than getting a highway bill. We have been operating on extensions for a long period of time. When we do extensions, we do not get any of the benefits of streamlining, we do not get any of the safety benefits, we do not get any of the school-to-work programs, or any of the other programs. These are things that need to be done.

All an extension does is extend what is currently out there. Therefore, the States and communities do not know what to expect. They do not know how to anticipate how much money is going to be there or whether any of these programs to protect the environment are going to be there, or any streamlining programs.

I cannot tell you how important it is we not operate on extensions but instead that we do pass this highway bill. We should have done it last year. Last year, we had the bill that came up. The President of the United States felt it should be a smaller number. We felt if the bill is paid for—and at that time the Finance Committee, under the chairmanship of CHUCK GRASSLEY and the ranking member, MAX BAUCUS, came up with money that could be raised for that purpose so it would not add to the deficit. Consequently, we passed a bill out of the Senate that was $318 billion for a 6-year reauthorization. That would have been fine. It went to conference and got hung up in conference. One or two people stopped us from having this bill. Now all of America is suffering for it.

This is our second run at it. We are almost out of time. The current extension expires on May 31. If we do not have a bill by May 31, then we are going to have to operate on an extension. This is something that would certainly be to the detriment of all States.

Obviously, we are all prejudiced for our own States. My State is Oklahoma. Oklahoma has very severe problems with bridges. We need to correct those problems. Border States have problems with NAFTA traffic coming up, south to north, and back down. That adds a lot.

We are trying to do something with the Borders and Corridors Program. If we do not have a bill, we will not have that program. We have a lot of things that are very significant and need to be addressed.

I encourage my fellow Members to come to the floor and talk about the motion to proceed to the highway bill, talk about the highway conditions in their States, and help us to get this bill passed.

I will say this, the bill we had last year, even though it was $318 billion over a 6-year period, we enjoyed a 76-to-21 majority in this body. I know the distinguished Presiding Officer was not here at the time, but I had an opportunity to talk to all the Members who were not here to vote last time about how they would vote, and virtually all of them are supporting this highway bill.

It is essentially the same bill. We have been working on it, my friend from Vermont, the ranking Democrat of the committee I chair, we have been working on this now for 2½, almost 3 years. We can never make up what happened. We understand that. When you get into a complicated formula and consider all the things I outlined a few minutes ago, there are going to be some people who do not want to have a bill. There are procedural steps that can be taken to stop us from having a bill. All we want is to have a vote.

Speaking of a vote, I do not have a better friend than the Senator from North Dakota. We disagree on issues politically. He made some comments to which I would like to respond. First on judges.

I do not think my State of Oklahoma is that different from other States. I do not think it is different from North Carolina. I do not think it is different from North Dakota or most States. When I walk around and visit people in my State of Oklahoma—for 19 years I have gone back on a weekly basis, so I am there talking to normal people, because there are not that many here in Washington—I find out what concerns them. They are concerned about a lot of the issues with which we deal.

Certainly, they are concerned about the war in Iraq. They are concerned about the fact that we are finally winning the war against terrorism. We are doing a good job over there. I was there a few days ago and made a point, since I am on the Senate Armed Services Committee, to spend some time in the Sunni Triangle where they are supposed to dislike us the most. I have never seen anything like it. In Fallujah, there is a guy who was the brigade commander for Saddam Hussein who hated Americans before. Then he got the title of brigade commander for the Iraqi security forces, and he started working with our Marines over there. He started loving them so much, he said when they rotated out—and this includes embedded training where his troops were training with our Marines; our Marines were helping to train these individuals—when our Marines rotated and left, he said they actually cried. He has renamed the Fallujah Iraqi security forces. They are now called the Fallujah Marines, named after our marines. That is what is happening in the Sunni Triangle.

I went to Tikrit, the hometown of Saddam Hussein. During the training process in Tikrit, outside one of the stations they were training in was a car bomb that killed 10 Iraqis and severely injured 30 more. In Tikrit, the 40 families who either lost through death or severe injuries people who are being trained to fight for the Iraqi security forces substituted other members of their families. It is incredible because they have this great love.

We got in a Blackhawk helicopter and flew all over the Sunni Triangle at less than 100 feet. It is the safest way to fly. There are terrorists out there who can hit the helicopter.

As we went across, we saw little kids come up on villages waving American flags. There are many people, I am sure, right now who send care packages to our troops over there. What these troops are doing with the care packages is taking the candy and cookies and repackaging them. Then we go 100 feet over the Sunni Triangle, when the kids are waving, and they throw the candy out to the kids. There is a love that is indescribable. We never hear that from the media back here. The media is very biased. The networks are biased, and we do not hear the success stories. Good things are happening.

I was there a few weeks before that after the January 30 election. Everyone was saying the election was not going to go off. People risked their life to vote, and they told me they could not see the ballot because of the tears in their eyes. Another one told me it occurred to her when she voted that it was not only ending a 35-year bloody regime of Saddam Hussein, but it was the first time in 7,000 years she and the Iraqi people were having a right, an opportunity for self-determination. It is a huge thing happening over there.

We all know about the weapons of mass destruction and trying to discredit the President. We knew there were terrorist training camps. We have gotten rid of them. We are seeing a new democracy emerge and totally change the Middle East. It has been successful.

I only say that because there are a lot of important things going on, and one is, of course, dealing with the current deficit. We are going to have deficits. My good friend from North Dakota was critical of the deficit that is taking place right now. I think it has been pretty well established—in fact, even the Democrats have agreed—that this recession actually started in March of 2000, which was under the Clinton administration. When you go into recession, for every 1-percent decrease in economic activity, that translates to $46 billion in revenues.

We had the revenue going down at the same time we had 9/11. We are in a war and we cannot come out of a deficit while we are in a war. We had a reduction in the military. I do not criticize the Clinton administration for what happened to the military after the first gulf war, but when the military is downsized, some of our modernization programs are stopped and it is expensive.

Right now I do not know how many American people realize that we are actually sending our kids out to battle with equipment that is not as good as our potential adversaries. Our best artillery piece, for example, is the Paladin. The Paladin is World War II technology. After each shot, you have to get out and swab the breach, like you used to have to do during World War II. Yet there are five countries right now, including South Africa, that are making a better non-line-of-sight cannon than our Paladin. Our kids do not have as good equipment, and that is because our modernization program came to somewhat of a screeching halt.

I was very proud of GEN John Jumper back in I think it was 1998 when out of his frustration he was trying to say we have to do something about our modernization programs; that our best strike vehicle is currently the F–15 and the F–16 and the Russians are making the SU–30s and 31s, as they were at the time, and selling them to potential adversaries, and they are better than our F–15s and F–16s. When we have our F–22s online, and our Joint Strike Fighter, we will change that, but we have to progressively do this, and it is expensive. That is why we will continue to have deficits for a while until we get this thing done.

In all fairness, we have to realize that, No. 1, the administration inherited a deficit; No. 2, we are at war; and, No. 3, we are rebuilding a military operation.

Getting back to the judges, as I said, I do not think Oklahoma is a lot different from other States. When I go down the street and I talk to people, they are much more concerned about what is happening with the judicial decisions and liberal judges trying to make law from the benches. They are concerned about school prayer, gay marriage, and the Pledge of Allegiance with ''one Nation under God'' coming out. These things bother people back in Oklahoma. Maybe they do not bother people in other States but they do in Oklahoma. All we want are circuit judges to be nominated and then given a simple majority vote on the floor, so that we can determine whether that nomination by the President can be confirmed.

I do appreciate what the Senator from North Dakota was saying. However, I have to say to my knowledge never in the history—sometimes people say, well, how about Judge Bork back several years ago? That was a different situation altogether. Never in history has there been a filibuster of circuit judge nominees. It should not be 60 people to confirm a judge; it should be 51 people. All we want is a vote. We do not care how it comes out. That is going to be the will of the Senate, but the Constitution specifically says ''Advice and Consent of the Senate.'' That is a majority, and that is all we really want.

I know there are liberals who have a liberal agenda who do not want to have conservatives or constructionists confirmed on the various circuit courts and Federal benches, and ultimately the U.S. Supreme Court. But I can assure my colleagues that the vast majority of people in Oklahoma do.

Lastly, I do agree with the Senator from North Dakota when he talked about the need for an energy policy. I became aware of this and concerned with this way back in the early 1980s when Ronald Reagan was President of the United States. I believed that he should have had an energy policy for America. Quite frankly, even though he was my favorite guy in contemporary history, he did not do it. There were so many other things facing his two terms that he was not able to come up with an energy policy.

I can remember when Secretary Hodel and I would go around the country, we would make speeches about how our dependence on foreign countries for our ability to fight a war for our energy supply was not an energy issue, it was a national security issue. We tried to convince people of that, and we were not successful.

Then, of course, along came other administrations and they did not do it, either. I thought certainly the first Bush administration, since he had an oil background, would be more concerned about it. But this President does. He says we should have a comprehensive energy policy for America, and one of the cornerstones should be a limit as to how much we should be dependent upon foreign countries for our energy supply—or I will put it a different way, for our ability to fight a war.

So here we have a situation where back when I started making speeches about our dependency on foreign countries for our oil was when we were dependent for about 34 percent. Now it is up to 65 percent. We are dependent upon foreign countries for our ability to fight a war twice as much as we were back in the 1980s. So it is going in the wrong direction.

What we need is an energy bill. I was very glad to see the vote on ANWR. It is kind of interesting, the Arctic National Wildlife, that tiny little part of the wildlife reservation that people are concerned about, all of the Natives in Alaska want it, all the Alaskans want it, the House wants it up in Alaska, the Senate wants it, everybody else wants it, but we refused to give it to them to allow them to explore and produce on ANWR. Now they can do that.

A comprehensive energy bill should have an oil and a gas component to it. It should have fossil fuels, coal, nuclear energy, and renewable energy. If we can have that, we can have an energy bill. I think we are going to have one. I am particularly concerned about it because I chair the Environment and Public Works Committee and about one-third of the Energy bill is in the jurisdiction of my committee. We are going to do what we can to work with the distinguished Senator from New Mexico, Mr. DOMENICI, to try to make that happen.

I encourage Members to come to the floor, and in the event they do I would certainly relinquish the floor to anyone who wants to talk about the highway bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. What is the pending business?

The PRESIDING OFFICER. The motion to proceed to the highway bill.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for a period not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPENDENCY ON FOREIGN OIL

Mr. KERRY. Mr. President, this morning, Americans braced themselves for another week of devastating news about the gas pump. This morning, Americans learned again of the record increases in the price of oil in America. When they turn on the news tonight, they are not going to learn of anything that has been done by this Congress or the administration in the past months or even past years. They are not going to see Washington taking the necessary steps to end our dependency on foreign oil. Instead, people will see President Bush meeting with Saudi Crown Prince Abdullah, a stark reminder of our dangerous dependence on foreign oil and how much that dependence threatens our economy as well as our national security.

The President offers strong words against nations that sponsor terror, but for those in control of 65 percent of the world's oil supply, those words are compromised from the get-go. That is wrong, but it is fundamentally what happens when the administration is committed to an energy future that is dependent on oil, oil, and more oil, at all costs, even if that cost is our national security.

The fact is, we are more dependent on foreign oil today than ever before. Despite the sharp rhetoric of the 1970s and the initial effort to try to be less dependent on oil, it has consistently increased. This dependence slows our economy, harms our environment, dilutes our national security, and it burdens Americans with the high gas prices they face today. Sadly, the President's energy bill, which we are going to soon debate in the Senate, fundamentally ignores these problems, and it does nothing to lower gas prices.

In the last days, the administration has conceded ''changes to production, consumption, imports and prices are negligible under the plan submitted to the Congress.'' Frankly, Washington has danced around this statement for a year now. But last week, President Bush himself acknowledged the truth. He said:

> [The] energy bill wouldn't change the price at the pump today. I know that and you know that.

So if we all know that, why pass this Energy bill along in its current form when real solutions are staring us in the face? Americans are paying an average of $2.28 a gallon at the pump. That is up 6 cents in the last week, over 50 percent in the last year, and up a staggering 56 percent since 2001. The President's so-called energy plan does nothing to reduce our dependency on foreign oil. The President's own economists found oil imports will actually increase 85 percent by 2025 under a proposal such as the one we see in the Congress. Less than 5 percent of the incentives in this bill are devoted to developing alternative sources of energy. That is 5 percent for the future, 95 percent for the status quo.

In 2002, when the Senate passed an energy bill with a bipartisan vote of 88 to 11, the bill provided for a balanced tax package: 50 percent of the benefits to oil and gas and 50 percent to renewables. By abandoning that balanced, forward-looking approach, this bill sells out our Nation's dream of an energy independent future.

Why are we taking the time in the Senate and the House to discuss an energy bill that does not take the steps available to begin to free us from our dependency? The failure to aggressively address the dependency will condemn a generation of Americans to higher gas prices, and the problem will only get worse. The era when the United States, Japan, and Europe comprised the bulk of the world's demand for oil is long over. Oil consumption from developing Asian nations is going to more than double in the next 25 years, from 15 million to 32 million barrels a day. Chinese consumption will grow from 5 million to nearly 13 million per day. India's consumption will rise from 2 to more than 5 million barrels per day.

The escalating demand for foreign oil is simply unsustainable. Every American who has taken an economics class, who owns a small business, or who balances the family checkbook understands that when demand for the product goes up and supply of that product is limited, prices are going to go through the roof. If you do not own your own product, that is great, but if you do, you are in trouble. Obviously, we do not. The fact is that the United States only has 3 percent of the world's oil reserves. So no matter what happens, we are going to remain dependent if fossil fuel and oil are going to remain the staple of our transportation, heating, and other product sources in the United States.

In reality, international demand for oil is going up, and prices are going up as that demand goes up. There is little we can do to stop it unless we change the fundamentals on which we are currently producing and providing for the various oil needs of our Nation. We cannot drill our way out of this problem under any scenario whatever. Whether we drill in Alaska or even the oil in the deep water of the gulf, we cannot drill our way out of it.

America needs to move forward in the technology race. We need to invent our way out of it. The spectacle of an American President literally reduced to asking—some would describe it as begging—another country to open the spigots and try to provide some momentary relief is really its own statement about where we find ourselves today. The fact is, what we ought to be doing is accelerating research and development in our country.

Today's meeting with the Saudis really underscores what is wrong with the energy policy of our country. The danger of maintaining our dependence on foreign oil is so obvious that Americans cannot help but question the actions of this administration. The actions do not meet their words. The President has said the right things. Last week, he said:

> With oil at more than $50 a barrel . . . energy companies do not need taxpayer funded incentives.

So he said the right thing. But the facts tell a different story. The Energy bill provides 95 percent of the tax benefits to oil and gas companies, with over $8 billion directly going to the oil and gas companies of the country. Only 5 percent—less than even in the bill we passed 2 years ago in the Senate, or 3 years ago—is going to go to those things that would actually provide Americans with relief. At a time when oil and gas prices are at historic highs, our energy policy ought to be aimed at investing in new and renewable sources of energy, not lining the pockets of the special interests.

On energy, the administration has not been leveling with the American people. I think the President and Congress continue to miss an extraordinary opportunity. Most public policy forces us to make difficult tradeoffs: foreign versus domestic, urban versus rural, consumer versus business. But energy policy does not require us to do that. Other than the big oil companies, everyone benefits from reducing our dependence on foreign oil. Energy policy provides us with a unique opportunity to address a huge group of challenges all at the same time.

If we lead the world in investing in new energy technologies, we create thousands of high-paying jobs right here in America. If we learn to tap clean energy sources, we preserve a clean environment for our families and future generations. We reduce mercury and acid rain. If we remove the burden of high gas prices, American consumers will have more cash in their pockets to spend on consumption products or on savings or on college or other things. That will all give our economy the boost it needs. Most importantly, if we end our dependence on foreign oil, we strengthen our national security.

The Energy bill before the Congress accomplishes none of these goals. In fact, it weakens all of them. Let me focus on one of those things that it weakens, our national security. Increased American energy dependence further entangles our Nation in unstable regions of the world and forces us

even to compromise our values. In exchange for oil, we transfer wealth to people who have done us harm and would do us harm in the future.

This is, obviously, as bad for our troops and for those serving abroad as it is for people who experience the high gas prices here. We risk being drawn into dangerous conflicts because of our dependency in a particular region. We also see an already overburdened military that has to bear the consequence of that.

In recent years, U.S. forces have had to help protect the Cano Limon pipeline in Colombia. Our military had to train indigenous forces to protect the pipeline in Georgia. We plan to spend $100 million on a special network of police officers and special forces units to guard oil facilities around the Caspian Sea and to continue to search for bases in Africa so we can protect all of the facilities there. Our Navy patrolled tanker routes in the Indian Ocean, South China Sea, and the Western Pacific.

The reality is, we have to protect oil because that is what protects our way of life today. This is a serious issue, with real consequences, because of the unstable nature of conflict-ridden, oil-producing areas which challenge our security.

In the spring of 2004, insurgents attacked an Iraqi oil platform. There was violence against oil workers in Nigeria. The result was to press global oil output and record-high gasoline prices. We were helpless to stop it. I do not think any American wants to be helpless where national security is concerned.

Our dependence on foreign oil creates just the sort of alliances that George Washington warned against in 1796. These alliances with foreign suppliers leave us more vulnerable, and they can crumble the foundations of our economic and national security.

The most dangerous aspect of this is that we are not alone in this dependency. I mentioned it earlier: International demand for oil is rising at an alarming rate. Another word for ''demand'' is ''competition.'' Another word for ''competition'' is ''race.'' At this rate, the great powers of the world may resume the race to secure the remaining energy reserves. That is an alarming scenario, but it is exactly the course we find ourselves on. With strong leadership, we can avoid it. But we cannot do it without a balanced energy plan that ends our dependence on foreign oil.

If anyone needs an example of how energy dependence can shortchange national security, look no further than the war on terror itself. If we assume oil miraculously drops back to $30 a barrel—no one assumes that, but if you did—over the next 25 years, the United States will send over 3 trillion American dollars out of the country, much of it to regimes that do not share our values, and even, in many cases, our goals.

It is bad enough to think that those $3 trillion are not going to go directly into the American economy, that they are going to go to other countries. It is worse to consider the impact on our volatile relationship with regimes such as the House of Saud, fragile as it finds itself increasingly today.

Our dependence on Saudi oil is a bad bargain for the war on terror. In the past, Hamas received almost half of its funding from Saudi Arabia. We know al-Qaida has relied on prominent Saudi Arabians for financing, and Saudi Arabia sponsors clerics who still, after all the rhetoric, promote the ideology of terror.

We all know what is going to happen today. The President is going to ask Prince Abdullah to raise production. But we have to be honest with the American people and acknowledge it is a short-term fix at best, and it is one that carries its risks.

In the year 2000, Governor Bush said he would ''jawbone OPEC'' to ''open the spigots.'' But 5 years later, either he has not jawboned enough or it is not important. It is time the administration learned the only long-term solution to America's energy crisis and to our security itself is to end our dependence on foreign oil.

National security is the most inexcusable casualty of our energy policy. But again, it is not the only one. Federal Reserve Chairman Alan Greenspan has said:

> Markets for oil and natural gas have been subject to a degree of strain over the past year not experienced for a generation.

I might say, respectfully, it may not have been experienced for a generation, but it was entirely predictable that this would come around again, particularly when you look at the development rates of China, India, and other Asian and South Asian countries.

As the chairman of the President's Council of Economic Advisers said:

> High energy prices are now a drag on our economy.

That is the Republican administration speaking for itself.

This administration's energy policy works for Saudi Arabia, it works for the countries that get those trillions of dollars, it works for big oil and gas companies—all of which have record profits. I think one of the top companies had a 213-percent increase in profits, others 146 percent, others in the double digits. Show me the American family whose income went up commensurately. Show me most American businesses that are struggling with health care costs and now have increased costs of transportation. The American trucking industry has billions of dollars, perhaps $20 billion paid out because of the rise in the cost of fuel.

So everyone is losing: consumers, small businesses, the environment, our troops, our security—everyone but the oil and gas companies.

We need an energy policy that works for America and works for the 21st century. We have successfully moved from different sources of fuel in our history. We went from wood to coal. We went from coal to oil.

We went from oil to a mix of oil and gas and coal and nuclear and hydroelectric, and now we are talking about wind power and other sources. We have the capacity to have various kinds of additives and even biodiesel and other forms, but we are not moving rapidly to secure the marketplace for those alternatives.

It is time now for America to make its next transition in fuel, to move to a mix of solar and wind and biomass and fuel cells and clean coal and other wonders of American ingenuity. We have huge reserves of coal. But despite all the rhetoric, the administration hasn't even adequately funded the clean coal technology program. We need to tap America's strength. The new president of MIT wrote a couple of articles the other day pointing out how America is slipping backwards in technology. All you have to do is pick up any of the analyses on competitiveness in technology in America today. America is producing fewer engineers, fewer scientists. Fewer kids in college are going into science and the physical sciences. Less money is being put into the R&D to move us into that competitive edge.

That competitive edge is what built the economy of the 1990s. It is what helped us to be able to create the high value-added jobs so we moved to an unemployment rate that was the lowest in the modern history of our Nation, and we paid down debt. We invested in the long-term future of our country. We have seen a complete reversal of that in the last 4½ years.

I hope this Congress will do what it ought to do, not start pitting people against each other according to definitions of faith, but come here with faith in America and American ingenuity and understand that we need to tap America's strength. We need to tap our markets, our capacity for invention, innovation, and our values. That is the way we will control our own destiny. We need to embrace and foster a revolution toward an energy world that benefits our environment, our economy and, most importantly, our security.

The President's energy plan will bring us more of the same—the status quo, a more dangerous future of energy dependence and high prices. It is time we came together with a real energy policy that works for the American people and puts Americans back in charge of their future and liberates our children from the stranglehold of fossil fuel.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the regular order is the cloture motion on the motion to proceed to the highway bill. This is one we are very much concerned about. I have said several times I am hoping Members will come to the floor and speak on the highway bill. I know the distinguished Senator from

Illinois wants to be heard right now. Let me only make one comment.

Earlier on I talked a little bit about the Energy bill. The distinguished junior Senator from Massachusetts started off with a quote by the President that was not quite complete. What the President said was the Energy bill would have no immediate impact on gas prices but long-term gas prices will be affected by an energy bill. I made that very clear a few minutes ago when I talked about the fact we have been trying to get an energy bill since the 1980s.

I don't say this in a partisan way because we tried to get an energy bill during the Reagan administration and the Carter administration before that, the first Bush administration, and the Clinton administration. We were unable to do it. It was not until this President came along and offered an energy bill or an energy policy for America. It is long in waiting. Obviously, supply and demand tells us that portion of energy that is generated by oil and gas is going to be cheaper if we are able to do it locally and do it in this country without depending upon foreign sources of oil.

We know what happened in OPEC days back in the 1970s. We know we can be held hostage again. It is a very serious problem. But an energy bill should include all forms of energy. I agree with the Senator from Massachusetts, we should be concentrating also on technology, on renewables. Certainly I disagree with the Senator from Massachusetts when he says he wants clean coal technology and he wants to be able to utilize coal. It was the Democrats in the committee I chair who killed the Clear Skies—didn't kill it, but delayed it—Initiative of the President which would have the most dramatic reduction on pollutants, on NO_x, SO_x, and mercury pollution than any President has ever advocated in the history of America, a 70-percent reduction. To do this we had to continue to have clean coal technology. That is part of the bill, as are oil and gas and nuclear and renewables.

We made an effort to do that and were unable to do it on a partisan line. If the Senator from Massachusetts is interested in having a bipartisan approach to the use of clean coal technology and to expand the use of coal, we need to look at all of the above, all of the forms of energy. I will join him in that program.

The Senator from Illinois wants to be recognized as in morning business. Since I do want to get back to the highway bill, I ask unanimous consent that the Senator from Illinois be recognized for 30 minutes as in morning business and then immediately following his 30 minutes, I be recognized for 30 minutes as in morning business, and then we would go back to the regular order. I encourage Members who are interested in the motion to proceed to the highway bill to come to the floor, to be heard, and so we can recognize them for that purpose.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. If I overheard the request, the Senator from Oklahoma suggested 30 minutes in morning business.

Mr. INHOFE. Yes, for the Senator from Illinois, unless he desires more.

Mr. DURBIN. That should be adequate. I thank the Senator.

JUDICIAL NOMINEES

Mr. President, I come to the floor with some feelings of disappointment. I had hoped that on reflection, Majority Leader FRIST would change his mind about taking part in a rally yesterday in Kentucky with groups that claim anyone who opposes President Bush's judicial nominees is opposed to ''people of faith.'' The organizers of that rally, the Family Research Council, called their rally ''Justice Sunday.'' I agree with Bob Edgar, general secretary of the National Council of Churches. A better name would have been ''Just Us Sunday.''

This Republican religious group is trying to redefine faith to fit its own narrow definition. What is their test? Does their definition of faith turn to the Bible? You know the biblical test, how do you treat the least of your brethren. No, the litmus test of faith for this group is as follows: Do you agree that a President—namely President Bush—ought to be able to ignore the Constitution, the rules of the Senate, and 200 years of Senate tradition to appoint people to the Federal bench for lifetime appointments even if those nominees hold extreme political views outside the mainstream of America?

That is their test of faith. If you say yes, then you are a person of faith. If you say no, they would brand you as anti-God and antifamily.

The depth we have reached in this political debate that the majority leader of the Senate would add his name and his words to a rally which is so divisive, which tries to make a constitutional issue a religious issue. I had hoped Senator FRIST would decide not to take part in it. I hoped he would have used his leadership position to discourage those who are using this religious McCarthyism that seems to be gripping our political system now that the Republicans are in control of the House and the Senate. Unfortunately, he did not.

He sent a taped message which contained within it, I will concede, some conciliatory words warning those involved not to go too far, as Senator LINDSEY GRAHAM did yesterday on a television show which I shared. But unfortunately, I am sure those who were involved with the Family Research Council were heartened by the appearance of Senator FRIST.

Now we are learning that placing your own candidates in lifetime Federal judgeships is not enough for this group.

They are also plotting to rid the bench of Federal judges they don't like. The Los Angeles Times ran a story last Friday about a private conference of evangelical leaders in Washington, attended by Senator FRIST and House Majority Leader TOM DELAY, whose name appears constantly in this national debate. They had an audiotape of the conference. The story quotes two of the organizers of yesterday's rally in Kentucky, talking about working with congressional Republicans on plans to get rid of the Federal courts they don't like. This is a quote from Tony Perkins, one of the lead spokesmen yesterday for the Family Research Council. He said this at this Washington, DC, conference with TOM DELAY and BILL FRIST:

> There's more than one way to skin a cat, and there's more than one way to take a black robe off the bench.

According to the Times article:

> Mr. Perkins said he had attended a meeting with congressional leaders a week earlier where the strategy of stripping funding from certain courts was ''prominently'' discussed. ''What they're thinking of is not only the fact of just making these courts go away and recreating them the next day, but also defunding them,'' Mr. Perkins said.

The story reports Mr. Dobson, a reverend also involved with this effort, as saying:

> Very few people know this, that the Congress can simply disenfranchise a court. They don't have to fire anybody or impeach them or go through that battle. All they have to say is the Ninth Circuit doesn't exist anymore, and it is gone.

Mr. Perkins said these plans to remake America's courts are ''on the radar screen, especially of conservatives here in Congress.''

We have valued, since the creation of this great Nation, our independent and balanced judiciary. I am certain that members of the judiciary are angered at times with positions taken and things said by those in the executive and legislative branches. It works both ways. Yet we understand the nature of our checks and balances, the nature of three separate branches of government is unique to America and has given us the strength to survive in this democracy for over 200 years.

The strategy of TOM DELAY, Senator FRIST, and groups like the Family Research Council challenge this premise of our constitutional democracy. I would like to address the questions raised about what might happen if the Republicans go forward with the so-called nuclear option. First, let me tell you that the phrase ''nuclear option'' was not conceived by a group of Democrats in a back room. As I understand it, Senator TRENT LOTT, a leading Republican, called this approach a nuclear option, understanding, as he did, that it is an assault on some of the most fundamental principles of the Constitution and the Senate. It was, in fact, nuclear war and the use of a nuclear weapon from a procedural point of view. It assaulted one of the most basic principles of America, the principle of checks and balances.

Look at the political landscape in America today. Republicans control

the White House, the House, the Senate, and the Supreme Court. Not in 60 years has so much power been vested in one party. But from the point of view of many of their special interest groups, it is not enough; they want more. They don't just want to govern in America; they want to rule. That means they need and want powers beyond those given to a political party under our Constitution.

Think about why we have a Senate. It was part of the Great Compromise. Thirteen colonies came together, deciding whether they could work together as one government, and the smaller colonies said we don't have a chance. If you count numbers, the more populous colonies will always win the debate. So the Great Compromise said the House of Representatives will have more people, with more representatives in the more populous States, so they will have more votes. But the Senate is different. Every State gets two Senators. The rules of the Senate were written so, even within the Senate, when one Senator objected to a major change in law, the Senate rules respected that minority Senator. In fact, it wasn't until right after World War I that there was a way to even stop what was known as a filibuster. If you saw ''Mr. Smith Goes to Washington,'' you saw Jimmy Stewart, that new idealistic Senator, take to the floor arguing for something he believed in until he ran out of breath and collapsed. Well, that is the filibuster. The way you can stop it is with a certain number of votes. Beginning in the 20th century, that number of votes is 60. It recognizes that this unique Chamber in America's Government will always recognize the rights of the minority.

We have built on that principle, and that is why the filibuster was created. Sadly, the Republican majority today wants to break the rules of the Senate and change the filibuster rule. They want to end the checks and balances that have been part of this institution since the Constitution was written. For what? So President Bush can have every judicial nominee he proposes to Congress, without debate, without dissention, and it would not be subject to a filibuster.

I think the filibuster is one of the most basic tenets of our checks-and-balances system. It prevents a tyranny of the majority and encourages compromise and moderation. Think about it; if it takes 60 votes, you need to compromise. If it takes 60 votes, neither side has that, so you need bipartisanship. It works every single day on legislation and on nominees.

What about the President's track record when it comes to judges? Consider this: Since President Bush came to office, he sent 215 names of judicial nominees to the floor of the Senate; 205 have been approved. Only 10 have not been approved. More than 95 percent of the President's nominees have been approved by the Senate but, sadly, the point of view of the White House is that it is not enough. They want them all. They are willing to assault the Constitution and change the Senate rules. With an approval rate of 95 percent, this is not a crisis; it is a manufactured political crisis.

Republicans claim it is unconstitutional to filibuster. They are wrong. The Constitution makes it clear that the rules of the Senate are the decision of the Senate. Here is what article I, section 5 of the Constitution specifically states:

> Each House may determine the rules of its proceedings. . . .

That means the House and the Senate may determine the rules of its proceedings. From the beginning, the Senate has allowed filibusters. In 1789, the first Senate filibustered a bill about moving the capitol from New York City to Washington. But these Republicans, under President Bush and Vice President CHENEY, want to change that time-honored rule. They claim the use of the filibuster to block judicial nominees has never happened, that it is unprecedented. That is what you hear from them. They are wrong.

Before George W. Bush became President, 11 judicial nominations needed 60 or more votes—cloture—to end a filibuster.

On two other judicial nominations—one in 1986 and one in 1994—cloture was filed in order to end filibusters, but it was later withdrawn. Of those 11 nominations on which cloture was needed to end a filibuster, 4 occurred during the Clinton administration.

Let me just point to one. March 8, 2000, the nomination of Richard Paez to be a judge of the Ninth Circuit. Fourteen Republican Senators voted on the Senate floor to filibuster Judge Paez's nomination. Look at the list of the 14 Senators, and do you know what name you will find? Senator BILL FRIST. He is now the majority leader, and he claims this never happened in the history of the Senate. He, in fact, voted on the floor of the Senate for a filibuster against Richard Paez, a Clinton nominee to the Ninth Circuit. For the record, it was vote No. 37, 106th Congress, second session, March 8, 2000.

In addition to the 4 Clinton judicial nominees who were filibustered, 60 additional Clinton nominees never received a hearing. It was a pocket filibuster. What is unprecedented is what Republicans are threatening now, to fundamentally change the rules and traditions of the Senate and the constitutional principle of checks and balances. To argue that no judicial nominee will ever need more than 51 votes—7 times since 1949, the Senate has faced this question: Can a simple majority change the cloture rule? Every single time, the answer has been no, whether it was Democrats in the majority or Republicans in the majority.

In 1953, Minority Leader Lyndon Johnson, the ''master of the Senate,'' as he was dubbed, a man who knew something about finding and using power wherever he could legitimately find it, worked with Majority Leader Taft to protect the Senate from the nuclear option of his day, when a single Democratic Senator threatened to use it.

Time and again, there have been threats to change this filibuster, and it has never happened. There has been ample opportunity to do that.

One Senator who was involved in that was Senator Fritz Mondale of Minnesota. He led a 1975 effort to change the cloture rule. Twenty-seven years later, in September 2002, an older and wiser Fritz Mondale came back to the Senate to talk about his years as part of the Leader's Lecture Series.

He admitted he made a mistake to try to push through a nuclear option. I want to read part of what he said. This is what Fritz Mondale said on reflection:

> When I came to the Senate, I thought a simple majority should be enough to end debate. I had seen the cloture rule abused in the past, especially on civil rights. The old rules permitted virtually endless talk. In recent years, many Senators had developed a postcloture strategy where, even after a successful cloture vote, they could still carry on forever, reading and amending the Journal, reading and amending the Chaplain's prayer—as we did for several days—filing hundreds of amendments with no end in sight.

Listen to what Fritz Mondale said:

> It had to be changed, and it was, to what is now called the Byrd rule. But to end a filibuster still requires 60 votes, and I believe that is about right.
>
> It is a balancing act. You need to be able to close off debate, but you also need to give an individual Senator the power to stop everything in the country and to rip open an issue in a way that no other institution in America can. It can't happen in the House. Their rules of debate are very different. It can't happen in news conferences. It can't happen on talk shows. That is entertainment, not debate. Only the Senate can stop the Nation in its tracks, and it is the only body in the world that allows it.

To claim, as nuclear option supporters do, that the 1975 effort proves the constitutionality of their plan is simply wrong. It is a misrepresentation of the facts. They argue we are simply talking about judicial nominees. Yet we know from a Congressional Research Service analysis of this issue that if they went forward with the nuclear option on judicial nominees, nominees who are being appointed to the bench for a lifetime, more could follow from that.

I still hope we can avoid this constitutional confrontation, this crisis. I hope the destruction that will be brought to the Senate can be avoided. I hope we can have a positive view toward the Senate's future. But let me say this: If the Republican majority in the Senate exercises the nuclear option, breaks the rules of the Senate for the first time to change the rules, to eliminate the filibuster on judicial nominees, to attack the principle of checks and balances, the constitutional principle of our Government, then I think the response from the Democratic side can easily be described as

this: If the Republicans are going to break the rules, the Democrats are going to play by the rules. Let me tell you what I mean.

We believe we must defend the Senate and the Constitution. We will not allow one party to eliminate an essential part of checks and balances. The Senate operates according to customs. The minority party defers to the majority party regarding what bills come to the floor, and other questions. It is a system that requires trust and cooperation every day.

If Republicans choose to use the nuclear option, they are choosing to assault that trust and cooperation. We can no longer routinely give our unanimous consent to whatever procedural request the majority leader makes. Instead, we will use the existing rules and precedents to have the Senate focus on the real crises facing America's families and businesses. Instead of granting deference to the Republican majority to set the agenda on the Senate floor, Democrats will use the existing rules and the precedents of the Senate to focus on issues such as health care, energy, education, minimum wage, making certain we take care of our veterans and soldiers.

We have already placed a number of important bills on the Senate calendar, any of which can be brought up at once if the Republicans trigger the nuclear option. These bills address real priorities and challenges we face: funding our schools, bringing down the price of gasoline at the pump, finding a way to provide health insurance and health care for Americans, veterans benefits, and imposing fiscal discipline with Government spending.

Let me make it clear. We are not going to set out to close down the Senate or to close down the Government. Senator REID, our Democratic leader, and all the Members of the Senate feel as I do, that shutting down the Government was the hapless tactic of the Gingrich revolution. It was a terrible idea. Rush Limbaugh was the only American applauding it every day, but the American people knew better. They want our Government to continue. They want Government services that are essential not to be in danger. So we are prepared to use the Senate rules to make certain that the defense of our Nation and the defense of our Armed Forces will be paramount, that passing key appropriations bills will occur, the Government will go about its business.

But when it comes to the rest of the debate in the Senate, when it comes to the agenda of legislative issues, we believe we can and will use the rules, if the nuclear option is exercised, to make certain that this debate is broadened—broadened beyond the special interest debates of K Street, the lobbyists who sit around the corridors out here begging for their bills to be called. We will expand this to include a debate over issues American families are begging us to consider, such as the cost of health insurance, help in putting children through college, finding a way for us to deal with the energy crisis in a responsible way that will conserve energy and bring about more fuel efficiency, in addition to environmentally responsible exploration for new energy sources.

Let's talk about gasoline for a minute. Americans are paying nearly 50 cents a gallon more for gas today than they were a year ago. Gas prices have surged an average of 19 cents per gallon in the last 3 weeks. What is the Republican solution? Many times it is more of the same. Keep increasing America's dependence on increasingly expensive oil from increasingly volatile parts of the world.

If Republicans are insisting on changing the rules of the Senate, Democrats will use the opportunity to press for an end to price gouging at the pumps today. We will also push for real long-term solutions, including conservation and new sources of alternative energy that will make America more secure in the future.

Think of it, 45 million Americans in our country, 1 in 7 have no health insurance. Tens of thousands more are underinsured. Rising health costs are eating up every penny of the profits at many companies. Did you read the report in the paper in the business section last week? General Motors lost $1 billion in the last quarter. When they were asked why they were losing money if they were still selling cars, they said: With every car we sell is $1,500 in health insurance costs and $500 in pension costs. So before we can compete with the foreign manufacturers, we have to pay for the health insurance and the pension costs.

What we are saying is this ought to be part of a national debate. There has not been a single suggestion on the floor of the Senate from the Republican leadership that they are ready to even discuss health care, nor from the White House.

If we move beyond the nuclear option, we on the Democratic side feel this debate has to take place, and we will move proactively to put this on the calendar for debate during this session of the Senate.

In recent months, we found the new prescription drug benefit under Medicare will cost hundreds of billions of dollars more than first estimated. Now this week a new report warns the drug benefit will not provide adequate coverage for seniors with cancer and other chronic illnesses, and leave them with huge personal prescription drug bills. If the Republicans in the Senate use the nuclear option to try to change the rules of the Senate, Democrats will use whatever rules we can, whatever leverage we can find to fix the Medicare prescription drug bill.

Millions of young people across America are going to graduate from high school next month. Many are off applying to colleges, fingers crossed they will get into that great school. But there is a fear in every family—at least in most families—that some of the sons and daughters who are accepted at the best schools will not be able to go because the families cannot afford it. If the Republicans insist on using the nuclear option, the Democrats will push to bring to the floor Senate measures to make college more affordable for families across America.

We will look for ways to bring to the floor a bill to fund properly VA health facilities and end the deficits that are forcing Americans all across America to wait months to see a doctor.

We do not have to manufacture crises. There are real, urgent problems with which this Senate ought to be dealing. If the Republicans are interested in governing, they will join the Democrats in addressing these issues. If they are more concerned about political gains, they will object. Democrats will not break the rules and we will not stand by idly if others try to destroy the rules of the Senate for temporary political advantage. We will use the rules, we will live by the rules, we will follow the rules at every opportunity to protect the Constitution and do the people's business.

Senators can expect if the nuclear option is called and passes we will spend more time at our desks, more time in session, more time on the floor, more time in Washington. The old complaint about 1,000-page bills coming to the Senate never having been read, they will be read. The complaint that amendments come to the floor Senators have not had a chance to read, they will be read. The complaint about speaking to an empty Chamber with few Senators around, that may change. There will be Senators on the floor, part of a debate over amendments that are important to this country.

I sincerely hope the Republican majority will think twice. Senator MCCAIN said, and I think rightly, you never know what the next election might bring. You might find yourself in a minority status, and it is important for us to understand that as Senators have come and gone, almost 1,900 now in the history of the United States, as issues have come and gone, as Congresses have come and gone, the traditions and rules of the Senate have endured. The Constitution which guides this Chamber, which brings us to the floor today and every day, the Constitution we have all sworn to uphold and defend is worth fighting for.

When a White House with any President of either party tries to extend their power at the expense of the Constitution, historically the Senate has said no.

This time, unfortunately, this President is demanding more power than any President in the history of the United States when it comes to judicial nominees. This President is demanding powers that have never been exercised under this Constitution. Sadly, his party, the proud Republican Party, is not willing to say no. They should. In the past, Franklin Roosevelt's Democratic Party said no to him when he

overextended. Thomas Jefferson's party said no to him when he tried to extend his Presidential power. They understood that the Constitution is more important than the power of any President.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, right now, the regular order is the motion to proceed to the highway bill. It is one of the most significant bills we will be addressing this year. It is one that we are very hopeful will pass. Last year, the highway bill passed with a vote of 76 to 21. Having received that very strong majority, we believe that this bill is so much like it that we should be able to do the same thing.

I understand that tomorrow morning at 11:45 there will be a vote. Again, as I have said since 2 this afternoon, I encourage Members to come to the floor to be heard on the motion to proceed to the highway bill, and I am hoping that will happen. I will only make a couple of comments.

I do not want to sound redundant, but I will respond to the distinguished Senator from Illinois. A couple of hours ago I commented that the people from Oklahoma maybe are different from the rest of the country. When I go down the street, people are concerned about the decisions of the U.S. Supreme Court. They are concerned about liberal judges legislating from the bench, and this President has been concerned about that. I am talking about things like school prayer, gay marriages, and ''one nation under God'' in the Pledge of Allegiance. These things are very important. These things are probably important to people all over the country.

It can be talked about hour after hour. Threats can be made about what one would do, but it is not a nuclear option, it is a constitutional option. This has been true for 214 years now, where there has not been a filibustering of circuit court judges. This is something that should not require a supermajority of 60 votes. If there is one thing my people in Oklahoma want changed, it is to be able to select judges who will interpret the Constitution and not use the bench for legislation purposes.

As far as the Energy bill is concerned, I do agree with the Senator from Illinois that we need to do something about our dependence on foreign oils for our energy supply. It is going to be absolutely necessary to have this Energy bill, and I believe we will have it. We need to address drilling. We need to do something about fossil fuels. We need to do something about nuclear and renewables. Just one example: In the House bill that was passed, there is a tax provision that will encourage people to go after marginal production. My State of Oklahoma happens to be a very large marginal producer. For those who are not familiar with this, a marginal well produces 15 barrels or fewer a day. We have the largest number of marginal wells in our State of Oklahoma. If we had every marginal well producing today that has been shut down or plugged up in the last 10 years, it would be more than we are currently importing from Saudi Arabia. These are little things that can be in an energy bill.

The President was misquoted on the Senate floor a few minutes ago, but certainly everyone realizes it is just a supply and demand issue. If we are able to produce more here, it is going to be cheaper. That is what we need to do. Those individuals who are somehow living in this mythical world that we can run the greatest machine in the history of the world on windmills are wrong. By the way, speaking of windmills, I find even some of the environmentalist extremists now do not want windmills because they are killing the birds. We have to realize we have the most powerful, largest machine ever in the history of the world, and we need to have an energy bill to run that machine.

CHINA'S THREAT TO NATIONAL SECURITY

Mr. President, over the past 3 weeks I have given three speeches calling our attention to the rising threat that China is becoming to our national security. Today I will highlight the areas that most directly affect our national security: weapons proliferation and military modernization. These two aspects are interrelated and add an alarming dynamic to our complex relationship with China.

It is a difficult situation, one in which information is our best resource. Five years ago, Congress created the bipartisan U.S.-China Commission to study the significance of recent events and the impact these events have on our national security. The Commission has held hearings and enlisted the services of experts across the world to gain clarity about what is happening with China. The conclusions are compiled in the U.S.-China Economic and Security Review Commission's 2004 report to Congress, a document that reveals an alarming picture of where we are heading.

China has made commitments to stop proliferating illegal technology over and over since 1992. However, its actual practice has been markedly different. Just this past January, the Bush administration sanctioned eight Chinese companies for aiding Iran's missile development. Two of these companies, China Great Wall Industry Corporation and China North Industry Corporation, have been repeatedly sanctioned for over a decade. Another penalized company, China Aero-Technology Import and Export Corporation, is suspected of transferring technology from McDonnell-Douglas to China's military. The fact is that China has been unable to control its own companies. According to State Department testimony, China has a ''serial proliferation problem,'' and while the official line is to crack down on the weapons trade, ''reality has been quite different.''

Over recent years, these transfers have become even more problematic, as the Commission details in its report:

> . . . Chinese transfers have evolved from sales of complete missile systems, to exports of largely dual-use nuclear, chemical, and missile components and technologies . . . Recent activities ''have aggravated trends that result in ambiguous technical aid, more indigenous capabilities, longer range missiles, and secondary proliferation.'' Continuing intelligence reports indicate that Chinese cooperation with Pakistan and Iran remains an integral element of China's foreign policy . . . Beijing's failure to control such transfers gives the appearance that these are allowed in accordance with an unstated national policy. China has generally tried to avoid making fundamental changes in its transfer policies by offering the United States carefully worded commitments or exploiting differences between agreements.

In mid-2003, the CIA reported to Congress that ''firms in China provided dual-use missile-related items, raw materials, and/or assistance to . . . countries of proliferation concern such as Iran, Libya, and North Korea.'' With these recently sanctioned companies, we see that China is fully willing to proliferate regardless of the consequences. Why? Well, perhaps we need to consider that something else is going on here besides profits.

China seems to proliferate with countries that have been terrorist sponsors, countries such as Iran, Iraq and Libya. These countries in turn offer China something they desperately need: oil. In my last speech I discussed China's search for oil sources and the implications this has on economic and national security. But the connection here is beyond energy. The Commission report describes what it looks like:

> This need for energy security may help explain Beijing's history of assistance to terrorist-sponsoring states, with various forms of WMD-related items and technical assistance, even in the face of U.S. sanctions . . . But, this pursuit of oil diplomacy may support objectives beyond just energy supply. Beijing's bilateral arrangements with oil-rich Middle Eastern states also helped create diplomatic and strategic alliances with countries that were hostile to the United States. For example, with U.S. interests precluded from entering Iran, China may hope to achieve a long-term competitive advantage relative to the United States. Over time, Beijing's relationship-building may counter U.S. power and enhance Beijing's ability to influence political and military outcomes. One of Beijing's stated goals is to reduce what it considers U.S. superpower dominance in favor of a multipolar global power structure in which China attains superpower status on par with the United States.

I cannot say it stronger than that. China is exploiting our timidity. The Commission recommends that we pressure the administration to develop and

publish a coordinated, comprehensive strategy. I think that is very sound advice and I will be introducing a resolution shortly to that effect.

Another major area of concern is China's military modernization. The weapons China is investing in include cruise missiles, amphibious assault ships, submarines, long-range target acquisition systems, and advanced SU–30 and SU–31 fighter aircraft it has been purchasing from Russia.

I have always been very proud of GEN John Jumper, who had the courage back in 1998 to stand up publicly to say right now we have other countries that are producing better equipment than we have, such as our strike vehicles. The very best we have is the F–15 and F–16. The SU–30s, according to General Jumper, are in many ways superior to ones we make in this country. We have to correct that situation and we are going to with the advent of the FA–22 and joint strike fighters that will be coming on line, but in the meantime China is buying these vehicles. We have always known they have a nuclear capability, but what is more concerning now is they have developed a conventional capability that is equal to or greater than ours in many respects.

The commission believes that this force is being shaped to fit a Taiwan conflict scenario:

> [China's] military advancements have resulted in a dramatic shift in the cross-Strait balance toward China, with serious implications for Taiwan, for the United States, and for cross-Strait relations.

The commission states that there are two ways we can prevent a military escalation over Taiwan. The first is to pressure the EU to maintain its arms embargo on China. This is a group of bipartisan experts saying this. Second, we should have harsher punishments for contractors who sell sensitive technology to China. We need a comprehensive annual report on who is selling what to China because, quite frankly, right now we simply don't know exactly how deep this problem goes.

Opting to ignore the situation with China is not a choice that we as representatives of the American people can afford to make. I urge this body to listen closely to the commission's conclusion:

> We need to use our substantial leverage to develop an architecture that will help avoid conflict, attempt to build cooperative practices and institutions, and advance both countries' long-term interests. The United States has the leverage now and perhaps for the next decade, but this may not always be the case . . . If we falter in the use of our economic and political influence now to effect positive change in China, we will have squandered an historic opportunity . . . China will likely not initiate the decisive measures toward more meaningful economic and political reform without substantial, sustained, and increased pressure from the United States.

In the resolution I introduce, I will be asking you to stand behind the US-China Commission's recommendations. These recommendations are listed in the Commission's 2004 Report to Congress. I have highlighted a few of these in my recent speeches, but there are many more. We need to send a message of urgency to the administration to adopt what our own commission recommends. This is not a partisan move. This is a real and legitimate need to respond to the facts before us. We have a clear picture of where the trends are heading—economically, militarily and in ideology—and the security of the United States demands our response.

In my last speech that will accompany the resolution I will be introducing, I will summarize all the recommendations from the commission. I hope it will be the first—but not final—step in the development of a more proactive and comprehensive policy toward China. It needs to be a policy that adequately addresses our national security, especially the proliferation of military technology. It also needs to address free trade, human rights and, of course, Taiwan. I fear the track we are on does not adequately address any of these.

This is very distressing. In some of the previous talks we quoted some of the Chinese colonels when they said we can do this to America, we can compete not only militarily but economically. This is something we have to be concerned about. I cannot think of anything that would be more important to address from a national security objective than that.

However, there is something that is most important to address right now and that is the subject we are on, which is the reauthorization of the highway bill.

I will make a couple of comments about that. I know there are some other people who want to come down. I will yield to them at that time. But when you look at the way the Senate has historically approached the reauthorization of the highway bill, it is different than has been done on the other side. It is the more difficult way because there are so many things that are in a formula. Formulas address problems in low-income States, in low-population States, in low-population density States, in States with high fatality rates, with guaranteed minimum growth and guaranteed minimum rate of return from donor States. We have donee States. All of these things are part of a very complex formula.

We will tomorrow be talking about this for an hour, from 10:45 to 11:45. There will be 1 hour equally divided between both sides. I will be controlling the time on this side. I hope at that time we have Members come down who are concerned about this bill, who have problems with this bill, so we can respond to those problems but, most importantly, so we can have cloture on a motion to proceed and have a vote. That vote will take place at 11:45 tomorrow morning. I look forward to coming down and debating the merits of the highway bill.

The bill passed last year—and this is substantially the same as last year's bill—passed this body by a margin of 76 to 21. I anticipate the same thing will happen, but it will not happen until we get to the bill. We will not get on the bill until the cloture on the motion to proceed is voted on, which will be at 11:45 tomorrow morning.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SILVER STAR IN ILLINOIS ARMY RESERVE UNIT

Mr. DURBIN. Mr. President, I would like to say a few words about two Army Reserve soldiers from Illinois I had the pleasure of meeting recently: SPC Jeremy Church and LT Matthew Brown.

Both of these soldiers fought last year in a battle that remains the largest enemy ambush of American troops in the war in Iraq. The battle occurred on Good Friday last year, April 9, 2004.

The 724th Transportation Company of Bartonville, IL, was taking part in a convoy escort operation delivering fuel to Baghdad International Airport when it was ambushed by insurgents. More than 150 enemy fighters poured heavy weapons fire onto the convoy.

Lieutenant Brown was the convoy commander. Specialist Church was his driver. In the first minutes of the attack, Lieutenant Brown was wounded, losing his eye. Specialist Church remained calm, simultaneously treating his wounded lieutenant, driving his damaged vehicle, and firing his rifle, one-handed, at the enemy.

Specialist Church drove to safety, dropped off the wounded Lieutenant Brown, rallied some assistance, and then drove back into danger, the kill zone, to help rescue, extract, his buddies who were still trapped under fire. He loaded casualties onto a truck until it was full, then sent the wounded soldiers to safety while he remained behind to continue the fight, taking cover behind destroyed vehicles.

For his actions that day, Specialist Church was awarded the Silver Star, the third-highest honor the United States can offer for valor in combat. He is the first and only U.S. Army Reserve soldier to win this medal in this conflict. Lieutenant Brown was awarded the Bronze Star.

In that same battle, PFC Gregory Goodrich was killed. SPC Keith Maupin was captured and remains missing in action.

Members of the National Guard and Reserve train on weekends and during 2-week annual training periods to prepare for that day when their country might call upon them to step away from families and civilian careers in order to fight America's wars.

These citizen-soldiers were ready to do that. The call came. They answered it. Now they have borne the terrible burden of battle. Gregory Goodrich gave his life. Keith Maupin remains missing. Matthew Brown has lost an eye and, because of that, he will probably lose his job as a Peoria, IL, law enforcement officer. Jeremy Church risked life and limb to save others and to vigorously fight back the attackers. All of these men exemplify the finest traditions of America's citizen-soldiers. We honor their service.

APPROVAL OF COMMITTEE RULES

Mr. LOTT. Mr President, on April 21, 2005 the Joint Committee on Printing approved the following rules for the committee. Pursuant of rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULE 1.—COMMITTEE RULES

(a) The rules of the Senate and House insofar as they are applicable, shall govern the Committee.

(b) The Committee's rules shall be published in the Congressional Record as soon as possible following the Committee's organizational meeting in each odd-numbered year.

(c) Where these rules require a vote of the members of the Committee, polling of members either in writing or by telephone shall not be permitted to substitute for a vote taken at a Committee meeting, unless the ranking minority member assents to waiver of this requirement.

(d) Proposals for amending Committee rules shall be sent to all members at least one week before final action is taken thereon, unless the amendment is made by unanimous consent.

RULE 2.—REGULAR COMMITTEE MEETINGS

(a) The regular meeting date of the Committee shall be the second Wednesday of every month when the House and Senate are in session. A regularly scheduled meeting need not be held if there is no business to be considered and after appropriate notification is made to the ranking minority member. Additional meetings may be called by the Chairman, as he may deem necessary or at the request of the majority of the members of the Committee.

(b) If the Chairman of the Committee is not present at any meeting of the Committee, the vice-Chairman or ranking member of the majority party on the Committee who is present shall preside at the meeting.

RULE 3.—QUORUM

(a) Five members of the Committee shall constitute a quorum, which is required for the purpose of closing meetings, promulgating Committee orders or changing the rules of the Committee.

(b) Three members shall constitute a quorum for purposes of taking testimony and receiving evidence.

RULE 4.—PROXIES

(a) Written or telegraphic proxies of Committee members will be received and recorded on any vote taken by the Committee, except for the purpose of creating a quorum.

(b) Proxies will be allowed on any such votes for the purpose of recording a member's position on a question only when the absentee Committee member has been informed of the question and has affirmatively requested that he be recorded.

RULE 5.—OPEN AND CLOSED MEETINGS

(a) Each meeting for the transaction of business of the Committee shall be open to the public except when the Committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public. No such vote shall be required to close a meeting that relates solely to internal budget or personnel matters.

(b) No person other than members of the Committee, and such congressional staff and other representatives as they may authorize, shall be present in any business session that has been closed to the public.

RULE 6.—ALTERNATING CHAIRMANSHIP AND VICE-CHAIRMANSHIP BY CONGRESSES

(a) The Chairmanship and vice Chairmanship of the Committee shall alternate between the House and the Senate by Congresses: The senior member of the minority party in the House of Congress opposite of that of the Chairman shall be the ranking minority member of the Committee.

(b) In the event the House and Senate are under different party control, the Chairman and vice Chairman shall represent the majority party in their respective Houses. When the Chairman and vice-Chairman represent different parties, the vice-Chairman shall also fulfill the responsibilities of the ranking minority member as prescribed by these rules.

RULE 7.—PARLIAMENTARY QUESTIONS

Questions as to the order of business and the procedures of Committee shall in the first instance be decided by the Chairman; subject always to an appeal to the Committee.

RULE 8.—HEARINGS: PUBLIC ANNOUNCEMENTS AND WITNESSES

(a) The Chairman, in the case of hearings to be conducted by the Committee, shall make public announcement of the date, place and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman shall make such public announcement at the earliest possible date. The staff director of the Committee shall promptly notify the Daily Digest of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, all witnesses appearing before the Committee shall file advance written statements of their proposed testimony at least 48 hours in advance of their appearance and their oral testimony shall be limited to brief summaries. Limited insertions or additional germane material will be received for the record, subject to the approval of the Chairman.

RULE 9.—OFFICIAL HEARING RECORD

(a) An accurate stenographic record shall be kept of all Committee proceedings and actions. Brief supplemental materials when required to clarify the transcript may be inserted in the record subject to the approval of the Chairman.

(b) Each member of the Committee shall be provided with a copy of the hearing transcript for the purpose of correcting errors of transcription and grammar, and clarifying questions or remarks. If any other person is authorized by a Committee Member to make his corrections, the staff director shall be so notified.

(c) Members who have received unanimous consent to submit written questions to witnesses shall be allowed two days within which to submit these to the staff director for transmission to the witnesses. The record may be held open for a period not to exceed two weeks awaiting the responses by witnesses.

(d) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee. Testimony received in closed hearings shall not be released or included in any report without the approval of the Committee.

RULE 10.—WITNESSES FOR COMMITTEE HEARINGS

(a) Selection of witnesses for Committee hearings shall be made by the Committee staff under the direction of the Chairman. A list of proposed witnesses shall be submitted to the members of the Committee for review sufficiently in advance of the hearings to permit suggestions by the Committee members to receive appropriate consideration.

(b) The Chairman shall provide adequate time for questioning of witnesses by all members, including minority Members and the rule of germaneness shall be enforced in all hearings notified.

(c) Whenever a hearing is conducted by the Committee upon any measure or matter, the minority on the Committee shall be entitled, upon unanimous request to the Chairman before the completion of such hearings, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

RULE 11.—CONFIDENTIAL INFORMATION FURNISHED TO THE COMMITTEE

The information contained in any books, papers or documents furnished to the Committee by any individual, partnership, corporation or other legal entity shall, upon the request of the individual, partnership, corporation or entity furnishing the same, be maintained in strict confidence by the members and staff of the Committee, except that any such information may be released outside of executive session of the Committee if the release thereof is effected in a manner which will not reveal the identity of such individual, partnership, corporation or entity in connection with any pending hearing or as a part of a duly authorized report of the Committee if such release is deemed essential to the performance of the functions of the Committee and is in the public interest.

RULE 12.—BROADCASTING OF COMMITTEE HEARINGS

The rule for broadcasting of Committee hearings shall be the same as Rule XI, clause 4, of the Rules of the House of Representatives.

RULE 13.—COMMITTEE REPORTS

(a) No Committee report shall be made public or transmitted to the Congress without the approval of a majority of the Committee except when Congress has adjourned: provided that any member of the Committee may make a report supplementary to or dissenting from the majority report. Such supplementary or dissenting reports should be as brief as possible.

(b) Factual reports by the Committee staff may be printed for distribution to Committee members and the public only upon

authorization of the Chairman either with the approval of a majority of the Committee or with the consent of the ranking minority member.

RULE 14.—CONFIDENTIALITY OF COMMITTEE REPORTS

No summary of a Committee report, prediction of the contents of a report, or statement of conclusions concerning any investigation shall be made by a member of the Committee or by any staff member of the Committee prior to the issuance of a report of the Committee.

RULE 15.—COMMITTEE STAFF

(a) The Committee shall have a staff director, selected by the Chairman. The staff director shall be an employee of the House of Representatives or of the Senate.

(b) The Ranking Minority Member may designate an employee of the House of Representatives or of the Senate as the minority staff director.

(c) The staff director, under the general supervision of the Chairman, is authorized to deal directly with agencies of the Government and with non-Government groups and individuals on behalf of the Committee.

(d) The Chairman or staff director shall timely notify the Ranking Minority Member or the minority staff director of decisions made on behalf of the Committee.

RULE 16.—COMMITTEE CHAIRMAN

The Chairman of the Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Specifically, the Chairman is authorized, during the interim periods between meetings of the Committee, to act on all requests submitted by any executive department, independent agency, temporary or permanent commissions and committees of the Federal Government, the Government Printing Office and any other Federal entity, pursuant to the requirements of applicable Federal law and regulations.

ARMENIAN GENOCIDE

Mr. CHAFEE. Mr. President, yesterday marked the 90th anniversary of the beginning of the Armenian Genocide. A date of great significance for many Rhode Islanders, and growing in significance for all Americans, this day not only commemorates the atrocities of the past, but also reminds us that it must not happen again. Remembering the victims is our duty to the past and to the future.

The term ''genocide'' did not even exist when these atrocities occurred from 1915 to 1923, yet the numbers are staggering. Over 1.5 million people perished. Over 500,000 people were forcibly removed from their homes and their homeland. Armenian religious, political, and intellectual leaders were killed. Men were removed from their families and women and children were left vulnerable to deportation, kidnapping, and starvation, and 132,000 Armenian orphans became foster children in American families.

It is vital for the distinct identity of every culture to be honored and celebrated. Over one and a half million Americans are of Armenian heritage, and on this day we are grateful for their many contributions to our country. Rhode Island and this entire Nation continue to benefit from a strong and vibrant Armenian community.

HONORING OUR ARMED FORCES

MEDIC STEVEN SIRKO

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Portage. Steven Sirko, 20 years old, died on April 17 while stationed in Maqdadiyah, Iraq. With his entire life before him, Steven risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Recently married to another army medic, Steven turned down a chance to stay stateside with the Army's Special Forces in order to be in Iraq near his wife. A football player in high school, Steven was remembered by friends and family as a tough, outgoing student. His father told a local newspaper, that his son was ''very strong, very outgoing, very respectful. After 9/11, like so many young men, he wanted to fight terrorism.'' His stepbrother, who also served in the Army, called Steven, ''the light of any crowd.''

Steven was killed while serving his country in Operation Iraqi Freedom. He served in the first battalion, 30th infantry regiment, third brigade, and third infantry division. This brave young soldier leaves behind his wife, Virginia; his father, Rick Sirko; his mother, Linda Lipford; his stepmother, Rose Sirko; three sisters; one brother; and two stepbrothers;.

Today, I join Steven's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Steven, a memory that will burn brightly during these continuing days of conflict and grief.

Steven was known for his dedication to his family and his love of country. Today and always, Steven will be remembered by family members, friends, and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Steven's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Steven's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Steven Sirko in the CONGRESSIONAL RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Steven's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Steven.

SPECIALIST GRANT CROFT

Mr. JOHNSON. Mr. President, I rise today to publicly recognize SPC Grant Croft of Sioux Falls, SD, for receiving the Army Commendation Medal.

Specialist Croft is serving in Mosul, Iraq, as a medic for the 2nd Platoon, 194th Military Police Company based at Fort Campbell, KY. He is a talented and dedicated serviceman, who, according to his superiors, ''On a daily basis, sets the standard for what a soldier medic should be. Specialists Croft's strength, stamina and moral character are a constant source of strength for our platoon.''

On January 21, 2005, while training at the Udari Range in Iraq, prior to the platoon's arrival in Mosul, Specialist Croft earned the Army Commendation Medal for his performance following an Apache helicopter crash. The Army's description of the event states: ''Without regard for his own safety, Specialist Croft quickly moved to the crashed aircraft and immediately began the necessary medical treatment for [the pilots'] life threatening injuries. He placed himself in harms way through the entire process. His selfless act and professional actions were those of a highly skilled and dedicated medic.''

It is with great honor that I share Specialist Croft's tremendous accomplishments with my colleagues. He is a true patriot, and America is deeply grateful for his service.

TRIBUTE TO JOE BEYRLE

Mr. LEVIN. Mr. President, on Friday, April 22, a true American hero was laid to rest in Arlington National Cemetery. Joe Beyrle of Muskegon, MI, was a paratrooper in the 101st Division on D-Day in World War II. His capture by the Germans and his heroic escape to fight with the Russian Army on the Eastern Front, making him the only American soldier to fight with both the United States and Russian armies against Nazi Germany, have been chronicled in a wonderful book by retired Army Colonel Thomas Taylor called The Simple Sounds of Freedom.

It was my privilege to speak at the burial ceremony for Joe Beyrle. I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY FOR JOE BEYRLE

Arlington National Cemetery, April 22, 2005

We cannot be reminded often enough about the extraordinary things that seemingly ordinary Americans have done to protect our country and our freedoms.

A short year after Joe Beyrle graduated from Muskegon's Saint Joseph High School in June of 1942, he found himself on the way to England as an elite paratrooper in the storied Screaming Eagles of the 101st Airborne Division. And that is when Joe Beyrle, like other members of the Greatest Generation, came face to face with unimaginable challenges, and went from being seemingly ordinary to extraordinary.

I knew Joe and JoAnne, and I knew of Joe's wartime exploits, long before Tom Taylor's wonderful book about Joe was published. What makes that book so special for me is that now everyone can be inspired by the amazing story of Joe's service during World War II: the rigorous training that made ''Jumpin' Joe'' such an expert paratrooper that he was selected for clandestine drops in occupied France before D-Day to supply the French resistance with gold; his dogged determination after his capture on D-Day by the Germans to escape and rejoin his unit; his courageous decision to fight with the Russian Army after he finally escaped the German POW camp—even helping to liberate the very POW camp from which he had escaped—making him the only American soldier to fight for both the United States and the Russians against Nazi Germany; and the remarkable story of his travel after he was wounded to the American Embassy in Moscow, where American officials at first thought he was a spy because his dog tags had been found on a dead soldier thought to be him two years earlier.

And of course who can forget the story of Joe marrying JoAnne in September, 1946—in a ceremony conducted by the same priest who had conducted a funeral mass for the presumed killed-in-action Joe Beyrle a few years before.

And what a memorable moment it was in 1994 when President Clinton and President Yeltsin honored Joe simultaneously in the White House Rose Garden as part of the celebration of the 50th anniversary of D-Day.

Joe's indomitable spirit, love of country and will to survive come through every page of his remarkable story, a story that reads more like fiction than history. One of my favorite examples of the legendary Beyrle tenacity—Joe would probably call it bullheadedness—took place at the end of the story when Joe was being held in custody in Moscow until the American Embassy officials could establish his true identity.

In a feverish and woozy state from his wounds, Joe decided to overpower the Marine guarding his room and escape again—to rejoin the Russian Army and get home by way of Berlin! Even Joe admitted: ''Of all my escape plans, this was the wildest and dumbest of all!''

It is said that courage isn't the absence of fear but the presence of faith. Joe was a man of courage because he had such a vast reservoir of faith—faith in himself; faith in the cause that his country asked him to fight for; and faith in his Creator.

Shortly after Tom Taylor's book about Joe was published, I hosted a reception for Joe and his family and Tom Taylor in the hearing room of the Senate Armed Services Committee. The Secretary of the Army, the Army Vice Chief of Staff, and the Russian Ambassador attended out of respect for Joe. Joe was in his element that day, passing out Screaming Eagle lapel pins and replicas of the paratrooper's crickets used by the Screaming Eagles on D-Day to identify one another behind enemy lines. I still have the one he gave me. Listen.

When I referred to Joe Beyrle at the reception as a hero, Joe said that ''the real heroes are buried in Europe.'' There are indeed a lot of American heroes buried in Europe. But surely some of America's greatest heroes are here at Arlington, visited each day by a hushed and awestruck multitude of their grateful fellow citizens whose freedom was defended by their sacrifices.

There is no more hallowed ground than where we stand today. And there is no hero more deserving of resting here than Joe Beyrle. Let us all honor Joe by resolving in this sacred place to live by his example of selfless service. The highest tribute we can pay to this extraordinary American is to make sure that the Simple Sounds of Freedom always resonate in this great country that he loved so much.

ADDITIONAL STATEMENTS

HONORING THE INDIANA SPORTS CORPORATION

• Mr. LUGAR. Mr. President, I rise today to call to the attention of my colleagues a signal anniversary occurring on May 3, 2005, the 25th Anniversary of the Indiana Sports Corporation, ISC.

Over the past quarter of a century, the ISC has been a tremendous contributor to the city of Indianapolis, providing economic stimulus, volunteer and community involvement opportunities, and most importantly, working to identify our capital city as a worthy destination for amateur sporting events. I have been pleased to work with the ISC through the Dick Lugar Community Run, Walk and Corporate Challenge, an event I look forward to every year.

Since 1979, the ISC has hosted more than 400 national and international sporting events. These events include: NCAA Championships, highlighted with four NCAA Division 1 Men's Basketball Final Fours, 1980, 1991, 1997, 2000; the 1987 Pan American Games; the 1982 U.S. Olympic Festival, the 2001 World Police and Fire Games; World Championships in track and field, 1987, gymnastics 1991, rowing 1994, basketball 2002 and swimming, 2004. Additionally, they have hosted U.S. Olympic trials and other National Governing Body, NGB, national championships in canoe/kayak, diving, gymnastics, judo, rowing, swimming, synchronized swimming, table tennis, track and field, and volleyball.

It is likewise noteworthy that since 1988, the ISC has awarded over $2.5 million to more than 200 youth service organizations across the State of Indiana, and 132 Olympic hopefuls through its CHAMPS and Future Olympians grant programs respectively.

I am pleased to join the vast number of individuals who have been touched by the efforts of the Indiana Sports Corporation over the years in congratulating them on this signal anniversary.•

40TH ANNIVERSARY OF MOORE'S LAW

• Mr. WYDEN. Mr. President, 40 years ago, when having a computer in your home was inconceivable and being able to hold a miniature computer in the palm of your hand was the stuff of science fiction, Gordon Moore, then a young engineer with Fairchild Semiconductor, had a revolutionary idea.

In the April 19, 1965, issue of Electronics Magazine, Moore first articulated what would come to be known as Moore's law: that the number of transistors on a computer chip would double in power approximately every 18 months but the price would actually decrease. Moore's law was revolutionary because it said that computer power improves essentially for free. Not only did this mean technology could be accessible and affordable for all Americans, it set the stage for increases in productivity unheard of since the Industrial Revolution.

Today, Moore's 40-year-old prediction is not just the thought of a dreamer, written for the benefit of a few early high-tech pioneers; it is the metronome of the technology industry. The drive to keep up with the drumbeat of Moore's law has meant unparalleled innovation in the high-tech industry. It has resulted in quality, high-paying jobs and contributed to our Nation's economic stability. The growth of computer technology in the U.S. has brought countless benefits to consumers and businesses throughout this country.

We are proud in my home State of Oregon to be part of the high-tech engine that helped build the digital economy. We are happy to be home to companies like Intel Corporation, which Moore helped found in 1974. Intel, which employs 15,500 people and has invested approximately $11 billion in Oregon, is an important contributor to our economy and an example of the impact that leadership in technology can have at the local level.

Oregon's high-tech industry continues to be a vital and growing part of the State's economy, creating jobs, fueling the growth of small and large businesses, and driving the innovation necessary to keep pace with Moore's law today.

The fulfillment of Moore's 40-year-old prediction will continue to lead to advances in virtually every aspect of our lives. It means smaller and more affordable computers, and cameras the size of pills that can be swallowed to explore our insides without surgery. It also means family and friends can overcome great distances, connecting in an instant over the digital airwaves.

Though his prediction has held true, Gordon Moore could not have foreseen the power and influence of his observation. I'm proud today to pay tribute to his contributions and recognize the impact Moore's law has had on our economy and our world.•

HONORING REVEREND FRED SHUTTLESWORTH

• Mr. TALENT. Mr. President, I honor Rev. Fred Shuttlesworth, who is a key leader in the civil rights movement and continues to be a guiding light in his community. I am honored that Reverend Shuttlesworth is visiting Missouri on April 29, and I want to commemorate his visit by briefly sharing some of his accomplishments.

Reverend Shuttlesworth grew up in Birmingham, AL, and graduated from Alabama State University in 1951. After graduating, he continued to do graduate work at Alabama State and then received seminary training at Cedar Grove Academy and Selma University. His involvement in civil rights has been grounded in his belief that ''a man should not be judged by the color of his skin any more than he is judged by the color of his eyes.''

In 1953, at the age of 30, Reverend Shuttlesworth became pastor of the Bethel Baptist Church in Birmingham, during the period of time when the city earned the nickname ''Bombingham'' for the black homes that were bombed by white supremacists. In May 1956, Reverend Shuttlesworth helped lead a group of ministers to establish the Alabama Christian Movement for Human Rights, in response to the NAACP being outlawed in Alabama.

Reverend Shuttlesworth, on many occasions, nearly became a martyr of the Civil Rights Movement. On Christmas Day 1956, as Reverend Shuttlesworth prepared to lead protests against the segregation of Birmingham's buses, someone threw a bomb under his bed in the parsonage of his church, where he was talking to a visiting deacon. Miraculously, he was unharmed.

Undeterred, in 1957 Reverend Shuttlesworth joined with Dr. Martin Luther King, Reverend Ralph David Abernathy and Bayard Rustin to form the Southern Christian Leadership Conference, which was firmly committed to using nonviolence to advocate for Civil Rights despite the violence that was being committed against its members. He would later help to organize sit-ins against segregated lunch counters and was a key leader of the mass protests and demonstrations in Birmingham during the spring of 1963. During those tumultuous times, Reverend Shuttlesworth was also assaulted by police dogs, knocked unconscious by a fire hose, and jailed more than 35 times.

Reverend Shuttlesworth moved to Cincinnati, where he founded the Greater New Light Baptist Church in 1966, and today he continues to serve as Pastor. In 1988, Reverend Shuttlesworth established the Shuttlesworth Housing Foundation to help needy families access capital for down payments for the purchase of homes. His efforts have helped hundreds of low-income families in the Cincinnati area to become homeowners.

These are just a portion of the good works that this outstanding servant of God has done to help make our Nation more just. I commend Reverend Shuttlesworth for his outstanding contributions to the cause of civil rights for all Americans. I am honored to share his story with my colleagues, and I wish him and his family all the best for the future.•

STATE REPRESENTATIVE CHARLES W. CAPPS, JR.

• Mr. COCHRAN. Mr. President, I am pleased to bring to the Senate's attention the distinguished career of Charles W. Capps, Jr., who has served with distinction and honor as a member of the Mississippi State House of Representatives from Bolivar County since 1971.

My friend, Charlie Capps has announced that he will retire from the legislature in June. As a member of the House of Representatives, Charlie Capps has earned the respect of eight governors, the members of the Mississippi Congressional Delegation, and all who have called upon him for advice and assistance over the past three decades.

Charlie Capps is well known throughout our State for his contributions to higher education, highways, wildlife conservation, job development, and job training. He made special efforts to improve the quality of life in the Mississippi Delta.

He has held many positions of responsibility including service as Chairman of the Committee on Appropriations from 1988 to 2003. During those years, the State has experienced unprecedented economic growth. Today, workforce training centers, mental health facilities, university libraries, recreational lakes, and distance learning centers are part of the legacy of this great Mississippian.

I congratulate Charlie Capps for his distinguished career of public service and for his indelible contribution to our State.•

TRIBUTE TO DONNIE R. WHEELER

• Mr. WARNER. Mr. President, I rise today to commend Mr. Donnie R. Wheeler for becoming the first president of the National Association of Clean Water Agencies—NACWA—formerly the Association of Metropolitan Sewerage Agencies, AMSA. Mr. Wheeler currently serves as the General Manager of the Hampton Roads Sanitation District—HRSD—Virginia Beach, VA. He is regarded by his peers as an exceptional leader, dedicated to protecting the environment and health of Virginia and the Nation.

Mr. Wheeler is a graduate of Virginia Tech and for 7 years was employed by the Virginia State Water Control Board before joining HRSD in 1974. HRSD, a nationally recognized regional wastewater treatment utility, serves 17 cities and counties covering 3100 square miles of southeast Virginia. Under his management, HRSD has received numerous awards from the U.S. Environmental Protection Agency and is recognized as a state innovator for such initiatives as Virginia's first municipal water reuse project.

Under his leadership, I trust that NACWA will promote responsible national policies to advance clean water and a healthy environment. Mr. Wheeler, is a founder of the Virginia Association of Municipal Wastewater Agencies—VAMWA—and served as its president for 6 years. In his long career, Mr. Wheeler has earned the respect of his colleagues at all levels of government and his achievements have earned him awards from the Virginia Water Environment Association—VWEA—and Environment Virginia. Mr. Wheeler also has served as an adjunct professor of Environmental Engineering at Old Dominion University.

In the true sense of the word and by his many achievements in a long and distinguished professional career, Mr. Wheeler is an ''environmentalist'' who will now proudly serve in a new leadership role the industry in which he has worked for so many years. It is with pleasure that I congratulate and commend Mr. Wheeler on being elected the first president of NACWA.•

COWBOY VIGIL

• Mr. SALAZAR. Mr. President, I today honor a great American, a great Coloradan, and a great Puebloan.

Alcario Vigil was born and raised in the San Luis Valley in Colorado and on April 1st turned 100 years old. His life has been rich with accomplishments and extraordinary devotion to his family, his friends, and his community.

Known as ''Cowboy,'' Alcario Vigil grew up in Lobatos, CO, just down the road from the Salazar family ranch in the San Luis Valley. Like most of his neighbors, he was brought up in a poor family and eventually took over responsibility for his parents' ranch with his wife Sophia. Together, the Vigil family survived the hardships of the Great Depression and raised eight children on the Lobatos family ranch, where they prospered and strengthened Colorado and this country.

Throughout his life, Alcario has been respected as an outstanding community servant, a devoted husband, and a loving father. He has a remarkable record serving as a Penitente for more than 70 years. He has passed those values to his descendents, some of whom are now seventh-generation Coloradans.

Although ''Cowboy'' lost his devoted wife Sofia in 1994, and his son Jose just 2 years ago, Alcario remains strong and healthy in his Pueblo home. Even at 100 years, he works the ranch's irrigation ditches in the summer months and enjoys visits from his family and friends.

The Pueblo County Commission recently declared April 1, 2005, to be ''Alcario (Cowboy) Vigil Day.'' Given

all he has done and all he has seen, I think every day ought to be Alcario ''Cowboy'' Vigil Day.●

RECOGNITION OF AMSA ON ITS 35TH ANNIVERSARY

● Mr. INHOFE. Mr. President, I take this opportunity to congratulate the Association of Metropolitan Sewerage Agencies, AMSA, on the occasion of its 35th anniversary and on its name change to the National Association of Clean Water Agencies or NACWA. NACWA is the only association that exclusively represents the Nation's municipal wastewater treatment agencies. Its 35-year record of advocacy and leadership in fully meeting the goals of the Clean Water Act has helped guarantee the chemical, biological and physical health of our Nation's rivers, lakes, streams, bays, and coasts.

NACWA's members serve the majority of the sewered population in the country and treat and reclaim over 18 billion gallons of wastewater a day. Simply stated, NACWA and its members deserve to be celebrated for their ongoing role in the remarkable revitalization of America's waterways.

Despite the improvements made so far to the Nation's waters, the Senate Environment and Public Works Committee and NACWA understand that significant work remains to be done to achieve the lofty goals of the Clean Water Act. From the committee's close working relationship with the association, we know NACWA is well-positioned to continue to build on this Nation's water quality gains.

The Senate Environment and Public Works Committee has looked to AMSA and will continue to look to NACWA as a valued informational resource. The association has always been willing to share its expertise and to provide leadership in challenging times. For example, in the wake of the attacks on September 11, 2001, the association responded immediately with creative ideas and vital leadership in developing tools and resources to help further secure the Nation's critical water infrastructure. In fact, the association has been a vital resource on a host of clean water issues from wet weather control and the critical need for a Federal-State-local partnership to meet the Nation's clean water challenges.

As chairman of the Environment and Public Works Committee, I have worked closely with the association and know that NACWA will build on its tradition as a trusted resource for Congress and the U.S. Environmental Protection Agency. I am also confident that NACWA will meet its strategic objectives and the goals of AMSA's original founders. Most importantly, NACWA's success is a direct result of its unparalleled membership. NACWA, then AMSA, was established in 1970 by representatives of 22 municipal wastewater treatment agencies. Since then, AMSA has grown into an organization of nearly 300 municipal agency members, including Oklahoma City, Stillwater and Tulsa, and a total membership of nearly 400 organizations poised to ensure that the 21st century will enjoy continued water quality progress.

The association's public agency members not only represent what is best about public service, they exemplify what it means to be environmental practitioners. Their daily work enables us to enjoy our Nation's rivers, lakes, streams and bays—somethng we as a National must never take for granted.

Once again, I congratulate NACWA on this important milestone as an organization and applaud its members for their outstanding service.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on April 22, 2005, she had presented to the President of the United States the following enrolled bill:

S. 167. An act to provide for the protection of intellectual property rights, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1870. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Expanded Authority for Cross-Program Recovery of Benefit Overpayments'' (RIN0960–AG06) received on April 21, 2005; to the Committee on Finance.

EC–1871. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Annual Energy Outlook 2005''; to the Committee on Energy and Natural Resources.

EC–1872. A communication from the Commissioner, the Vice Chairman, and the Chairman, National Indian Gaming Commission, transmitting, a draft bill relative to the Indian Gaming Regulatory Act of 1988; to the Committee on Indian Affairs.

EC–1873. A communication from the Chairman, Inland Waterways Users Board, transmitting, pursuant to law, the Board's 2005 annual report relative to the investment strategy for the preservation, protection, and enhancement of the Nation's inland navigation system; to the Committee on Environment and Public Works.

EC–1874. A communication from the Secretary of State, transmitting, pursuant to law, a report entitled ''Authorization for Use of Military Force Against Iraq Resolution of 2002 (December 15, 2004—February 15, 2005)''; to the Committee on Foreign Relations.

EC–1875. A communication from the Executive Secretary and Chief of Staff, Bureau for Economic Growth, Agriculture and Trade, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, received on April 21, 2005; to the Committee on Foreign Relations.

EC–1876. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of a draft bill relative to title 38, United States Code, received on April 21, 2005; to the Committee on Veterans' Affairs.

EC–1877. A communication from the Senior Procurement Executive, National Aeronautics and Space Administration, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–02'' received on April 21, 2005; to the Committee on Veterans' Affairs.

EC–1878. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's fiscal year 2004 report relative to the Prescription Drug User Fee Act of 1992 (PDUFA); to the Committee on Homeland Security and Governmental Affairs.

EC–1879. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Program Performance Report for Fiscal Year 2004; to the Committee on Governmental Affairs.

EC–1880. A communication from the Secretary, Postal Rate Commission, transmitting, pursuant to law, a report of the Commission's implementation of the Government in Sunshine Act for calendar year 2004; to the Committee on Governmental Affairs.

EC–1881. A communication from the Director of the Selective Service System, transmitting, pursuant to law, the System's Performance and Accountability Report for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–1882. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's report required by the Government in the Sunshine Act for calendar year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–1883. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to the National Defense Stockpile; to the Committee on Armed Services.

EC–1884. A communication from the Principal Deputy General Counsel, Office of General Counsel, Department of Defense, transmitting, pursuant to law, a report of the Department's model State Code of Military Justice and model State Manual for Courts-Martial for the National Guard When Not In Federal Service; to the Committee on Armed Services.

EC–1885. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, the Department's Fiscal Year 2004 Defense Environmental Programs report; to the Committee on Armed Services.

EC–1886. A communication from the Assistant Secretary of Defense, Health Affairs, Department of Defense, transmitting, pursuant

to law, the Department of Defense Evaluation of the TRICARE Program Fiscal Year 2005 Report to Congress; to the Committee on Armed Services.

EC–1887. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Department of Justice Activities Under the Civil Rights of Institutionalized Persons Act Fiscal Year 2004''; to the Committee on the Judiciary.

EC–1888. A communication from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities during Calendar Year 2004 pursuant to the Equal Credit Opportunity Act; to the Committee on the Judiciary.

EC–1889. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Liquor Dealers; Recodification of Regulations; Administrative Changes Due to the Homeland Security Act of 2002'' (RIN1513–AA19) received on April 21, 2005; to the Committee on the Judiciary.

EC–1890. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Removal of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, for United States Use in Law Enforcement Activities'' (RIN1513–AA99) received on April 21, 2005; to the Committee on the Judiciary.

EC–1891. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual report relative to material violations or suspected material violations of regulations relating to Treasury Auctions and other offerings of securities; to the Committee on Banking, Housing, and Urban Affairs.

EC–1892. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Treasury Inspector General for Tax Administration, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1893. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary (Financial Markets), received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1894. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Treasurer of the United States, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1895. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs .

EC–1896. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs .

EC–1897. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary (Management), received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1898. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary (Tax Policy), received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1899. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Member, IRS Oversight Board, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1900. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Member, IRS Oversight Board, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1901. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Member, IRS Oversight Board, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1902. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary (Domestic Finance), received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1903. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary (Financial Institutions), received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1904. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Secretary, received on April 21 , 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1905. A communication from the White House Liaison, Office of the Inspector General for Tax Administration, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Comptroller of the Currency, received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1906. A communication from the General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Interest Rate Ceiling, Final Rule 12 CFR Section 701.21(c)(7)(ii)(C)'' received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1907. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Securities of Nonmember Insured Banks (12 CFR Part 335)'' (RIN3064–AC88) received April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1908. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''International Banking, 12 CFR Part 347, and Filing Procedures, Part 303 (Subpart J—International Banking)'' (RIN3064–AC85) received April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1909. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Eligibility of Adjustable Rate Mortgages'' ((RIN2502–AI26) (FR-4946-I-01)) received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1910. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Revised Guidelines for Previous Participation Certification'' ((RIN2502–AI10) (FR-4870-F-02)) received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs .

EC–1911. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Schedule for Submission of One-Time and Up-Front Mortgage Insurance Premiums'' ((RIN2502–AH67) (FR-4690-F-02)) received on April 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1912. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to the Federal Grain Inspection Service of the Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA); to the Committee on Agriculture, Nutrition, and Forestry.

EC–1913. A communication from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2003–2005 Livestock Assistance Program'' (RIN0560–AH25) received on April 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1914. A communication from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tobacco Transition Payment Program'' (RIN0560–AH30) received on April 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1915. A communication from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2003–2005 Crop Disaster Programs'' (RIN0560–AH24) received on April 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1916. A communication from the Deputy Assistant Secretary for Labor-Management Programs, Department of Labor, transmitting, pursuant to law, the Annual Report of the Department's Office of Labor-Management Standards (OLMS); to the Committee on Health, Education, Labor, and Pensions.

EC–1917. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Time Frames for Completing Site Profiles''; to the Committee on Health, Education, Labor, and Pensions.

EC–1918. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled

''Electronic Filing—Annual Financial And Actuarial Information'' (RIN1212–AB01) received on April 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1919. A communication from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on April 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1920. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Relations, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Immunology and Microbiology Devices; Classification of the Automated Fluorescence in situ Hybridization Enumeration Systems'' (Docket No. 2005N–0081) received on April 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1921. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Relations, transmitting, pursuant to law, the report of a rule entitled ''Food and Drug Administration Regulations; Drug and Biological Product Consolidation; Addresses; Technical Amendment'' received on April 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1922. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Relations, transmitting, pursuant to law, the report of a rule entitled ''Substances Affirmed as Generally Recognized as Safe: Menhaden Oil'' (Docket No. 1999P–5332) received on April 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1923. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report entitled ''Imposition of Foreign Policy Controls on Chemical and Biological Weapon End-Uses''; to the Committee on Commerce, Science, and Transportation.

EC–1924. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closing Pollock Fishing in the West Yakutat District in the Gulf of Alaska'' (I.D. No. 032505B) received on April 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1925. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Deep Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (I.D. No. 032205C) received on April 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1926. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Closure of the Eastern U.S./Canada Area and Prohibition of Harvesting; Possessing, or Landing of Yellowtail Flounder from the Entire U.S./Canada Management Area'' (I.D. No. 032805B) received on April 21 , 2005; to the Committee on Commerce, Science, and Transportation.

EC–1927. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reopening Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 032305B) received on April 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1928. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule for an Emergency Action to Revise a Final Rule Implementing a Charter Vessel/Headboat Permit Moratorium for Reef Fish and Coastal Migratory Pelagics Fisheries of the Gulf of Mexico'' (RIN0648–AS99) received on April 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1929. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Revise Regulation Governing Western Alaska Community Development Quota Program'' (RIN0648–AS00) received on April 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1930. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; 2005 Specifications'' (RIN0648–AR57) received on April 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1931. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Mackerel, Squid, and Butterfish Fisheries; Final Rule for 2005 Specifications'' (RIN0648–AR56) received on April 21, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, with amendments:

S. 629. A bill to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN:

S. 893. A bill to make technical corrections in the Anabolic Steroid Control Act of 2004; considered and passed.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. CRAIG, Mr. BINGAMAN, Mr. CHAFEE, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. HARKIN, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. LEAHY, Mrs. MURRAY, and Mr. TALENT):

S. 894. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Relations.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. BENNETT, and Mr. JOHNSON):

S. 895. A bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe affordable, and reliable water supply to rural residents; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD:

S. 896. A bill to modify the optional method of computing net earnings from self-employment; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. GRASSLEY, and Mr. BAUCUS):

S. 897. A bill to amend the Internal Revenue Code of 1986 to clarify the calculation of the reserve allowance for medical benefits of plans sponsored by bona fide associations; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. BROWNBACK, Mr. KENNEDY, and Mr. COCHRAN):

S. 898. A bill to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS:

S. 899. A bill to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge and Kootenai National Forests, Montana, to Jefferson County and Sanders County, Montana, for use as cemeteries and other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SALAZAR (for himself, Ms. LANDRIEU, and Mr. BINGAMAN):

S. Res. 119. A resolution designating April 21, 2005, as ''National Kindergarten Recognition Day''; considered and agreed to.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. TALENT, Mr. VITTER, Mr. CORNYN, Mr. COLEMAN, Mr. BURNS, Mr. BOND, Mr. ALLEN, Mr. ISAKSON, and Ms. LANDRIEU):

S. Res. 120. A resolution honoring small businesses during the Small Business Administration's National Small Business Week, the week beginning April 24, 2005; considered and agreed to.

By Mr. COLEMAN (for himself, Mr. LIEBERMAN, and Ms. SNOWE):

S. Res. 121. A resolution supporting May 2005 as ''National Better Hearing and Speech Month'' and commending those states that have implemented routine hearing screening for every newborn before the newborn leaves the hospital; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR:

S. Res. 122. A resolution recognizing the historic efforts of the Republic of Kazakhstan to reduce the threat of weapons of mass destruction through cooperation in the Nunn-Lugar/Cooperative Threat Reduction Program, and celebrating the 10th anniversary of the removal of all nuclear weapons from the territory of Kazakhstan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. STEVENS, the name of the Senator from Rhode Island

(Mr. REED) was added as a cosponsor of S. 39, a bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration.

S. 132

At the request of Mr. SMITH, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 172

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 172, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

S. 313

At the request of Mr. LUGAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 338

At the request of Mr. SMITH, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 338, a bill to provide for the establishment of a Bipartisan Commission on Medicaid.

S. 339

At the request of Mr. REID, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 339, a bill to reaffirm the authority of States to regulate certain hunting and fishing activities.

S. 418

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 420

At the request of Mr. KYL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 471

At the request of Mr. SPECTER, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 602

At the request of Ms. MIKULSKI, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 602, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 609

At the request of Mr. BROWNBACK, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 609, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally diagnosed conditions.

S. 619

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 724

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 724, a bill to improve the No Child Left Behind Act of 2001, and for other purposes.

S. 776

At the request of Mr. JOHNSON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 827

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 827, a bill to prohibit products that contain dry ultra-filtered milk products, milk protein concentrate, or casein from being labeled as domestic natural cheese, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 850

At the request of Mr. FRIST, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 850, a bill to establish the Global Health Corps, and for other purposes.

S. 876

At the request of Mr. HATCH, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 876, a bill to prohibit human cloning and protect stem cell research.

S.J. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. CON. RES. 16

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Con. Res. 16, a concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

S. RES. 116

At the request of Mrs. DOLE, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Res. 116, a resolution commemorating the life, achievements, and contributions of Frederick C. Branch.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. BENNETT, and Mr. JOHNSON):

S. 895. A bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clear, safe affordable, and reliable water supply to rural residents; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, in the 1746 Poor Richard's Almanac, Benjamin Franklin wrote, ''When the well is dry, we learn the worth of water.'' Nowhere is the bottom of the well approaching more quickly than in western United States. Nearly depleted aquifers and deteriorated infrastructure on which our small and rural communities rely coupled with their inability to raise large amounts of capital to afford water infrastructure has resulted in substantial want. When the water dries up, so will many of our communities. As such, the scarcity of water in rural western communities is a dire situation.

An article appearing on April 15, 2005 in the Wall Street Journal elucidates the breadth of our Nation's water infrastructure need. The article states that most water infrastructure and water treatment plants in the U.S. are more than 50 years old and, in many cases, are more than 100 years old. The huge capital outlays needed to rehabilitate this aging and, in many cases, deteriorated infrastructure far exceeds the ability of many rural communities to pay. Neither can these communities accommodate the costs in their rate structures nor are the necessary capital outlays within their bonding capacity. Exacerbating this problem is that, in many western states such as

my home state of New Mexico, ground water supplies for which many communities have relied on for water are nearly depleted. In many cases, the only practicable alternative for providing water to these communities is to build public works projects to transport water from other sources. This, too, requires large sums of money which rural and small communities can ill-afford.

Today, I rise to introduce the Rural Water Supply Act of 2005. This bill would begin the process of providing for the essential water needs of rural communities in the western United States. It establishes a federal loan guarantee program within the Bureau of Reclamation that would allow rural communities to obtain loans at interest rates far lower than had the loans not been guaranteed by the Federal Government. This allows rural communities access to the large sums of money required to construct water infrastructure while recognizing the significant demand on the Bureau's budget. The bill also expedites the appraisal and feasibility studies which allow these communities to assess how best to address their water supply needs and act accordingly. At present, rural communities have to wait for Congress to direct the Bureau of Reclamation to proceed with appraisal and feasibility studies. This bill expedites the appraisal and feasibility level process by requiring that, upon request of the community, the Bureau perform a study, provide funds to a rural water community to perform them, or accept and review studies undertaken independently by a community. This bill will provide much needed assistance to struggling communities.

I would like to thank Senator BINGAMAN, the ranking member of the Committee of Energy and Natural Resources who I have had the great pleasure of serving with for over two decades for being an original co-sponsor of this bill. In addition, I very much appreciate the willingness of the Bureau of Reclamation to work with my staff on this important matter.

Preserving our rural communities in the west requires that we address this instantly and vigorously. The U.S. Congress cannot sit idly by as water shortages cause death to our rural communities. I assure you that this bill will receive prompt consideration in the Energy and Natural Resources Committee and it is my sincere hope that the Senate will give this legislation its every consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Rural Water Supply Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1 Short title; table of contents.

TITLE I—RECLAMATION RURAL WATER SUPPLY ACT OF 2005

Sec. 101 Short title.
Sec. 102 Definitions.
Sec. 103 Rural water supply program.
Sec. 104 Rural water programs assessment.
Sec. 105 Appraisal investigations.
Sec. 106 Feasibility studies.
Sec. 107 Miscellaneous.
Sec. 108 Authorization of appropriations.

TITLE II—TWENTY-FIRST CENTURY WATER WORKS ACT

Sec. 201 Short title.
Sec. 202 Definitions.
Sec. 203 Project eligibility.
Sec. 204 Loan guarantees.
Sec. 205 Operations, maintenance, and replacement costs.
Sec. 206 Title to newly constructed facilities.
Sec. 207 Water rights.
Sec. 208 Interagency coordination and cooperation.
Sec. 209 Authorization of appropriations.

TITLE I—RECLAMATION RURAL WATER SUPPLY ACT OF 2005

SEC. 101. SHORT TITLE.

This title may be cited as the ''Reclamation Rural Water Supply Act of 2005''.

SEC. 102. DEFINITIONS.

In this title:

(1) FEDERAL RECLAMATION LAW.—The term ''Federal reclamation law'' means the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(2) INDIAN.—The term ''Indian'' means an individual who is a member of an Indian tribe.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) NON-FEDERAL PROJECT ENTITY.—The term ''non-Federal project entity'' means a State, regional, or local authority, Indian tribe or tribal organization, or other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association.

(5) OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—The term ''operations, maintenance, and replacement costs'' means all costs for the operation of a rural water supply project that are necessary for the safe, efficient, and continued functioning of the project to produce the benefits described in a feasibility study.

(B) INCLUSIONS.—The term ''operations, maintenance, and replacement costs'' includes—

(i) repairs of a routine nature that maintain a rural water supply project in a well kept condition;

(ii) replacement of worn-out project elements; and

(iii) rehabilitation activities necessary to bring a deteriorated project back to the original condition of the project.

(C) EXCLUSION.—The term ''operations, maintenance, and replacement costs'' does not include construction costs.

(6) PROGRAM.—The term ''program'' means the rural water supply program established under section 103.

(7) RECLAMATION STATES.—The term ''reclamation States'' means the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

(8) RURAL WATER SUPPLY PROJECT.—

(A) IN GENERAL.—The term ''rural water supply project'' means a project that is designed to serve a group of communities, which may include Indian tribes and tribal organizations, dispersed homesites, or rural areas with domestic, industrial, municipal, and residential water, each of which has a population of not more than 50,000 inhabitants.

(B) INCLUSION.—The term ''rural water supply project'' includes—

(i) incidental noncommercial livestock watering and noncommercial irrigation of vegetation and small gardens of less than 1 acre; and

(ii) a project to improve rural water infrastructure, including—

(I) pumps, pipes, wells, and other diversions;

(II) storage tanks and small impoundments;

(III) water treatment facilities for potable water supplies;

(IV) equipment and management tools for water conservation, groundwater recovery, and water recycling; and

(V) appurtenances.

(C) EXCLUSION.—The term ''rural water supply project'' does not include—

(i) commercial irrigation; or

(ii) major impoundment structures.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) TRIBAL ORGANIZATION.—The term ''tribal organization'' means—

(A) the recognized governing body of an Indian tribe; and

(B) any legally established organization of Indians that is controlled, sanctioned, or chartered by the governing body or democratically elected by the adult members of the Indian community to be served by the organization.

SEC. 103. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal project entities and consistent with this title, shall establish and carry out a rural water supply program in reclamation States to—

(1) investigate and identify opportunities to ensure safe and adequate rural water supply projects for municipal and industrial use in small communities and rural areas of the reclamation States; and

(2) plan the design and construction, through the conduct of appraisal investigations and feasibility studies, of rural water supply projects in reclamation States.

(b) NON-FEDERAL PROJECT ENTITY.—Any activity carried out under this title shall be carried out in cooperation with a qualifying non-Federal project entity, consistent with this title.

(c) ELIGIBILITY CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, consistent with this title, develop and publish in the Federal Register criteria for—

(1) determining the eligibility of a rural community for assistance under the program; and

(2) prioritizing requests for assistance under the program.

(d) FACTORS.—The criteria developed under subsection (c) shall take into account such factors as whether—

(1) a rural water supply project—

(A) serves—

(i) rural areas and small communities; or

(ii) Indian tribes; or

(B) promotes and applies a regional or watershed perspective to water resources management;

(2) there is an urgent and compelling need for a rural water supply project that would—

(A) improve the health or aesthetic quality of water;

(B) result in continuous, measurable, and significant water quality benefits; or

(C) address current or future water supply needs;

(3) a rural water supply project helps meet applicable requirements established by law; and

(4) a rural water supply project is cost effective.

(e) INCLUSIONS.—The Secretary may include—

(1) to the extent that connection provides a reliable water supply, a connection to preexisting infrastructure (including dams and conveyance channels) as part of a rural water supply project; and

(2) notwithstanding the limitation in section 102(8), a town or community with a population in excess of 50,000 inhabitants in an area served by a rural water supply project if, at the discretion of the Secretary, the town or community is considered to be a critical partner in the rural supply project.

SEC. 104. RURAL WATER PROGRAMS ASSESSMENT.

(a) IN GENERAL.—In consultation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Director of the Indian Health Service, the Secretary shall develop an assessment of—

(1) the status of all rural water supply projects under the jurisdiction of the Secretary authorized but not completed prior to the date of enactment of this Act, including appropriation amounts, the phase of development, total anticipated costs, and obstacles to completion;

(2) the current plan (including projected financial and workforce requirements) for the completion of the rural water supply projects within the time frames established under the provisions of law authorizing the projects or the final engineering reports for the projects;

(3) the demand for rural water supply projects;

(4) programs within other agencies that can, and a description of the extent to which the programs, provide support for rural water supply projects and water treatment programs in reclamation States, including an assessment of the requirements, funding levels, and conditions for eligibility for the programs assessed; and

(5) the extent of the unmet needs that the Secretary can meet with the program that complements activities undertaken under the authorities already within the jurisdiction of the Secretary and the heads of the agencies with whom the Secretary consults.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a detailed report on the assessment conducted under subsection (a).

SEC. 105. APPRAISAL INVESTIGATIONS.

(a) IN GENERAL.—On request of a non-Federal project entity with respect to a proposed rural water supply project that meets the eligibility criteria published under section 103(c) and subject to the availability of appropriations, the Secretary may—

(1) receive and review an appraisal investigation that is—

(A) developed by the non-Federal project entity independent of support from the Secretary; and

(B) submitted to the Secretary by the non-Federal project entity;

(2) conduct an appraisal investigation; or

(3) provide a grant to, or enter into a cooperative agreement with, the non-Federal project entity to conduct an appraisal investigation, if the Secretary determines that—

(A) the non-Federal project entity is qualified to complete the appraisal investigation in accordance with the criteria published under section 103(c); and

(B) using the non-Federal project entity to conduct the appraisal investigation is the lowest cost alternative for completing the appraisal investigation.

(b) DEADLINE.—An appraisal investigation conducted under subsection (a) shall be scheduled for completion not later than 2 years after the date on which the appraisal investigation is initiated.

(c) APPRAISAL REPORT.—As soon as practicable after an appraisal investigation is submitted to the Secretary under subsection (a)(1) or completed under paragraph (2) or (3) of subsection (a), the Secretary shall prepare an appraisal report that—

(1) considers—

(A) whether the project meets—

(i) the appraisal criteria developed under subsection (d); and

(ii) the eligibility criteria developed under section 103(c);

(B) whether viable water supplies and water rights exist to supply the project, including all practicable water sources such as lower quality waters, nonpotable waters, and water reuse-based water supplies;

(C) whether the project has a positive effect on public health and safety;

(D) whether the project will meet water demand, including projected future needs;

(E) the extent to which the project provides environmental benefits, including source water protection;

(F) the ability of the project to supply water consistent with Indian trust responsibilities, as appropriate;

(G) whether the project applies a regional or watershed perspective and promotes benefits in the region in which the project is carried out;

(H) whether the project—

(i)(I) implements an integrated resources management approach; or

(II) enhances water management flexibility, including providing for—

(aa) local control to manage water supplies under varying water supply conditions; and

(bb) participation in water banking and markets for domestic and environmental purposes; and

(ii) promotes long-term protection of water supplies;

(I) preliminary cost estimates for the project; and

(J) whether the non-Federal project entity has the capability to pay 100 percent of the costs associated with the operations, maintenance, and replacement of the facilities constructed or developed as part of the rural water supply project; and

(2) provides recommendations on whether a feasibility study should be initiated under section 106(a).

(d) APPRAISAL CRITERIA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate criteria (including appraisal factors listed under subsection (c)) against which the appraisal investigations shall be assessed for completeness and appropriateness for a feasibility study.

(2) INCLUSIONS.—To minimize the cost of a rural water supply project to a non-Federal project entity, the Secretary shall include in the criteria methods to scale the level of effort needed to complete the appraisal investigation relative to the total size and cost of the proposed rural water supply project.

(e) REVIEW OF APPRAISAL INVESTIGATION.—Not later than 180 days after the date of submission of an appraisal investigation under subsection (a)(1) or the completion of an appraisal investigation under paragraph (2) or (3) of subsection (a), the Secretary shall—

(1) with respect to an appraisal investigation conducted by a non-Federal project entity under subsection (a)(1), provide to the non-Federal entity an evaluation of whether the appraisal investigation satisfies the criteria promulgated under subsection (d);

(2) make available to the public, on request, the results of each appraisal investigation conducted under this title; and

(3) promptly publish in the Federal Register a notice of the availability of the results.

(f) COSTS.—

(1) FEDERAL SHARE.—The Federal share of an appraisal investigation conducted under subsection (a) shall be 100 percent of the total cost of the appraisal investigation, up to $200,000.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if the cost of conducting an appraisal investigation is more than $200,000, the non-Federal share of the costs in excess of $200,000 shall be 50 percent.

(B) EXCEPTION.—The Secretary may reduce the non-Federal share required under subparagraph (A) if the Secretary determines that there is an overwhelming Federal interest in the appraisal investigation.

(g) CONSULTATION; IDENTIFICATION OF FUNDING SOURCES.—In conducting an appraisal investigation under subsection (a)(2), the Secretary shall—

(1) consult and cooperate with the non-Federal project entity and appropriate State, tribal, regional, and local authorities;

(2) consult with the heads of appropriate Federal agencies to—

(A) ensure that the proposed rural water supply project does not duplicate a project carried out under the authority of the agency head; and

(B) if a duplicate project is being carried out, identify the authority under which the duplicate project is being carried out; and

(3) identify what funding sources are available for the proposed rural water supply project.

SEC. 106. FEASIBILITY STUDIES.

(a) IN GENERAL.—On completion of an appraisal report under section 105(c) that recommends undertaking a feasibility study and subject to the availability of appropriations, the Secretary shall—

(1) in cooperation with a non-Federal project entity, carry out a study to determine the feasibility of the proposed rural water supply project;

(2) receive and review a feasibility study that is—

(A) developed by the non-Federal project entity independent of support from the Secretary; and

(B) submitted to the Secretary by the non-Federal project entity; or

(3) provide a grant to, or enter into a cooperative agreement with, a non-Federal project entity to conduct a feasibility study, for submission to the Secretary, if the Secretary determines that—

(A) the non-Federal entity is qualified to complete the feasibility study in accordance with the criteria promulgated under subsection (d); and

(B) using the non-Federal project entity to conduct the feasibility study is the lowest cost alternative for completing the appraisal investigation.

(b) REVIEW OF NON-FEDERAL FEASIBILITY STUDIES.—

(1) IN GENERAL.—In conducting a review of a feasibility study submitted under paragraph (2) or (3) of subsection (a), the Secretary shall—

(A) in accordance with the feasibility factors described in subsection (c) and the criteria promulgated under subsection (d), assess the completeness of the feasibility study; and

(B) if the Secretary determines that a feasibility study is not complete, notify the non-Federal entity of the determination.

(2) REVISIONS.—If the Secretary determines under paragraph (1)(B) that a feasibility study is not complete, the non-Federal entity shall pay any costs associated with revising the feasibility study.

(c) FEASIBILITY FACTORS.—Feasibility studies authorized or reviewed under this title shall include an assessment of—

(1) near- and long-term water demand in the region to be served by the rural water supply project;

(2) advancement of public health and safety of any existing rural water supply project and other benefits of the proposed rural water supply project;

(3) alternative new water supplies in the study area, including any opportunities to treat and use low-quality water, nonpotable water, water reuse-based supplies, and brackish and saline waters through innovative and economically viable treatment technologies;

(4) environmental quality and source water protection issues related to the rural water supply project;

(5) innovative opportunities for water conservation in the study area to reduce water use and water system costs, including—

(A) nonstructural approaches to reduce the need for the project; and

(B) demonstration technologies;

(6) the extent to which the project and alternatives take advantage of economic incentives and the use of market-based mechanisms;

(7)(A) the construction costs and projected operations, maintenance, and replacement costs of all alternatives; and

(B) the economic feasibility and lowest cost method of obtaining the desired results of each alternative, taking into account the Federal cost-share;

(8) the availability of guaranteed loans for a proposed rural water supply project;

(9) the financial capability of the non-Federal project entity to pay the non-Federal project entity's proportionate share of the design and construction costs and 100 percent of operations, maintenance, and replacement costs, including the allocation of costs to each non-Federal project entity in the case of multiple entities;

(10) whether the non-Federal project entity has developed an operations, management, and replacement plan to assist the non-Federal project entity in establishing rates and fees for beneficiaries of the rural water supply project;

(11)(A) the non-Federal project entity administrative organization that would implement construction, operations, maintenance, and replacement activities; and

(B) the fiscal, administrative, and operational controls to be implemented to manage the project;

(12) the extent to which the project addresses Indian trust responsibilities, as appropriate;

(13) the extent to which assistance for rural water supply is available under other Federal authorities;

(14) the engineering, environmental, and economic activities to be undertaken to carry out the study;

(15) the extent to which the project involves partnerships with other State, local, or tribal governments or Federal entities; and

(16) in the case of a project intended for Indian tribes and tribal organizations, the extent to which the project addresses the goal of economic self-sufficiency.

(d) FEASIBILITY STUDY CRITERIA.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate criteria (including the feasibility factors listed under subsection (c)) under which the feasibility studies shall be assessed for completeness and appropriateness.

(2) INCLUSIONS.—The Secretary shall include in the criteria promulgated under paragraph (1) methods to scale the level of effort needed to complete the feasibility assessment relative to the total size and cost of the proposed rural water supply project and reduce total costs to non-Federal entities.

(e) FEASIBILITY REPORT.—

(1) IN GENERAL.—After completion of appropriate feasibility studies for rural water supply projects that address the factors described in subsection (c) and the criteria promulgated under subsection (d), the Secretary shall—

(A) develop a feasibility report that includes—

(i) a recommendation of the Secretary on—

(I) whether the rural water supply project should be authorized for construction; and

(II) the appropriate non-Federal share of construction costs, which shall be—

(aa) at least 25 percent of the total construction costs; and

(bb) determined based on an analysis of the capability-to-pay information considered under subsections (c)(9) and (f); and

(ii) if the Secretary recommends that the project should be authorized for construction—

(I) what amount of grants, loan guarantees, or combination of grants and loan guarantees should be used to provide the Federal cost share;

(II) a schedule that identifies the annual operations, maintenance, and replacement costs that should be allocated to each non-Federal entity participating in the rural water supply project; and

(III) an assessment of the financial capability of each non-Federal entity participating in the rural water supply project to pay the allocated annual operation, maintenance, and replacement costs for the rural water supply project;

(B) submit the report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives;

(C) make the report publicly available, along with associated study documents; and

(D) publish in the Federal Register a notice of the availability of the results.

(f) CAPABILITY-TO-PAY.—

(1) IN GENERAL.—In evaluating a proposed rural water supply project under this section, the Secretary shall—

(A) consider the financial capability of any non-Federal project entities participating in the rural water supply project to pay the capital construction costs of the rural water supply project; and

(B) recommend an appropriate Federal share and non-Federal share of the capital construction costs, as determined by the Secretary.

(2) FACTORS.—In determining the financial capability of non-Federal project entities to pay for a rural water supply project under paragraph (1), the Secretary shall evaluate factors for the project area, relative to the State and county average, including—

(A) per capita income;

(B) median household income;

(C) the poverty rate;

(D) the ability of the non-Federal project entity to raise tax revenues or assess fees;

(E) the strength of the balance sheet of the non-Federal project entity; and

(F) the existing cost of water in the region.

(3) INDIAN TRIBES.—In determining the capability-to-pay of Indian tribe project beneficiaries, the Secretary may consider deferring the collection of all or part of the non-Federal construction costs apportioned to Indian tribe project beneficiaries unless or until the Secretary determines that the Indian tribe project beneficiaries should pay—

(A) the costs allocated to the beneficiaries; or

(B) an appropriate portion of the costs.

(g) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Federal share of the cost of a feasibility study carried out under this section shall not exceed 50 percent of the study costs.

(2) FORM.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(3) FINANCIAL HARDSHIP.—The Secretary may increase the Federal share of the costs of a feasibility study if the Secretary determines, based on a demonstration of financial hardship, that the non-Federal participant is unable to contribute at least 50 percent of the costs of the study.

(4) LARGER COMMUNITIES.—In conducting a feasibility study of a rural water supply system that includes a community with a population in excess of 50,000 inhabitants, the Secretary may require the community to pay a greater percentage of the non-Federal share than that required for communities with less than 50,000 inhabitants.

(h) CONSULTATION AND COOPERATION.—In addition to the non-Federal project entity, the Secretary shall consult and cooperate with appropriate Federal, State, tribal, regional, and local authorities during the conduct of each feasibility assessment and development of the feasibility report conducted under this title.

SEC. 107. MISCELLANEOUS.

(a) AUTHORITY OF SECRETARY.—The Secretary may enter into contracts, financial assistance agreements, and such other agreements, and promulgate such regulations, as are necessary to carry out this title.

(b) TRANSFER OF PROJECTS.—Nothing in this title authorizes the transfer of pre-existing facilities or pre-existing components of any water system from Federal to private ownership or from private to Federal ownership.

(c) FEDERAL RECLAMATION LAW.—Nothing in this title supersedes or amends any Federal law associated with a project, or portion of a project, constructed under Federal reclamation law.

(d) INTERAGENCY COORDINATION.—The Secretary shall coordinate the program carried out under this title with existing Federal and State rural water and wastewater programs to facilitate the most efficient and effective solution to meeting the water needs of the non-Federal project sponsors.

(e) MULTIPLE INDIAN TRIBES.—In any case in which a contract is entered into with, or a grant is made, to an organization to perform services benefitting more than 1 Indian tribe under this title, the approval of each such Indian tribe shall be a prerequisite to entering into the contract or making the grant.

(f) OWNERSHIP OF FACILITIES.—Title to any facility planned, designed, and recommended for construction under this title is intended to be held by the non-Federal project entity.

(g) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—Nothing in this title preempts or affects State water law or an interstate compact governing water.

(2) COMPLIANCE REQUIRED.—The Secretary shall comply with State water laws in carrying out this title.

(h) NO ADDITIONAL REQUIREMENTS.—Nothing in this title requires a feasibility study for, or imposes any other additional requirements with respect to, rural water supply

projects or programs that are authorized before the date of enactment of this Act.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $20,000,000 for the period of fiscal years 2006 through 2015, to remain available until expended.

(b) RURAL WATER PROGRAMS ASSESSMENT.—Of the amounts made available under subsection (a), not more than $1,000,000 may be made available to carry out section 104 for each of fiscal years 2006 and 2007.

(c) LIMITATION.—No amounts made available under this section shall be used to pay construction costs associated with any rural water supply project.

TITLE II—TWENTY-FIRST CENTURY WATER WORKS ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Twenty-First Century Water Works Act''.

SEC. 202. DEFINITIONS.

In this title:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) LENDER.—The term ''lender'' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulation (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)).

(3) LOAN GUARANTEE.—The term ''loan guarantee'' means any guarantee, insurance, or other pledge by the Secretary to pay all or part of the principal of, and interest on, a loan or other debt obligation of a non-Federal borrower to a lender.

(4) NON-FEDERAL BORROWER.—The term ''non-Federal borrower'' means—

(A) a State (including a department, agency, or political subdivision of a State); or

(B) a conservancy district, irrigation district, canal company, water users' association, Indian tribe, an agency created by interstate compact, or any other entity that has the capacity to contract with the United States under Federal reclamation law.

(5) PROJECT.—The term ''project'' means—

(A) a rural water supply project (as defined in section 102(8)); or

(B) an extraordinary operation and maintenance activity for, or the rehabilitation of, a facility—

(i) that is authorized by Federal reclamation law and constructed by the United States under such law; or

(ii) in connection with which there is a repayment or water service contract executed by the United States under Federal reclamation law.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 203. PROJECT ELIGIBILITY.

(a) ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—The Secretary shall develop and publish in the Federal Register criteria for determining the eligibility of a project for financial assistance under section 204.

(2) INCLUSIONS.—Eligibility criteria shall include—

(A) submission of an application by the lender to the Secretary;

(B) demonstration of the creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features to ensure repayment;

(C) demonstration by the non-Federal borrower, to the satisfaction of the Secretary, of the ability of the non-Federal borrower to repay the project financing from user fees or other dedicated revenue sources;

(D) demonstration by the non-Federal borrower, to the satisfaction of the Secretary, of the ability of the non-Federal borrower to pay all operations, maintenance, and replacement costs of the project facilities; and

(E) such other criteria as the Secretary determines to be appropriate.

(b) WAIVER.—The Secretary may waive any of the criteria in subsection (a)(2) that the Secretary determines to be duplicative or rendered unnecessary because of an action already taken by the United States.

(c) PROJECTS PREVIOUSLY AUTHORIZED.—A project that was authorized for construction under Federal reclamation laws prior to the date of enactment of this Act shall be eligible for assistance under this title, subject to the criteria established by the Secretary under subsection (a).

(d) CRITERIA FOR RURAL WATER SUPPLY PROJECTS.—A rural water supply project that is determined to be feasible under section 106 is eligible for a loan guarantee under section 204.

SEC. 204. LOAN GUARANTEES.

(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary may make available to lenders for a project meeting the eligibility criteria established in section 203 loan guarantees to supplement private-sector or lender financing for the project.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—Loan guarantees under this section for a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements as the Secretary determines to be appropriate to protect the financial interests of the United States.

(2) MAXIMUM AMOUNT.—The amount of a loan guarantee shall not exceed 90 percent of the reasonably anticipated eligible project costs.

(3) INTEREST RATE.—The interest rate on a loan guarantee shall be negotiated between the non-Federal borrower and the lender with the consent of the Secretary.

(4) AMORTIZATION.—A loan guarantee under this section shall provide for complete amortization of the loan guarantee within not more than 40 years.

(5) NON-SUBORDINATION.—In case of bankruptcy, insolvency, or liquidation of the non-Federal borrower, a loan guarantee shall not be subordinated to the claims of any holder of project obligations.

(c) PREPAYMENT AND REFINANCING.—Any prepayment or refinancing terms on a loan guarantee shall be negotiated between the non-Federal borrower and the lender with the consent of the Secretary.

SEC. 205. OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.

(a) IN GENERAL.—The non-Federal share of operations, maintenance, and replacement costs for a project receiving Federal assistance under this title shall be 100 percent.

(b) PLAN.—On request of the non-Federal borrower, the Secretary may assist in the development of an operation, maintenance, and replacement plan to provide the necessary framework to assist the non-Federal borrower in establishing rates and fees for project beneficiaries.

SEC. 206. TITLE TO NEWLY CONSTRUCTED FACILITIES.

(a) NEW PROJECTS AND FACILITIES.—All new projects or facilities constructed in accordance with this title shall remain under the jurisdiction and control of the non-Federal borrower subject to the terms of the repayment agreement.

(b) EXISTING PROJECTS AND FACILITIES.—Nothing in this title affects the title of—

(1) reclamation projects authorized prior to the date of enactment of this Act;

(2) works supplemental to existing reclamation projects; or

(3) works constructed to rehabilitate existing reclamation projects.

SEC. 207. WATER RIGHTS.

(a) IN GENERAL.—Nothing in this title preempts or affects State water law or an interstate compact governing water.

(b) COMPLIANCE REQUIRED.—The Secretary shall comply with State water laws in carrying out this title. Nothing in this title affects or preempts State water law or an interstate compact governing water.

SEC. 208. INTERAGENCY COORDINATION AND COOPERATION.

The Secretary and the Secretary of Agriculture shall enter into a memorandum of agreement providing for Department of Agriculture financial appraisal functions and loan guarantee administration for activities carried out under this title.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.

BY Mr. FEINGOLD:

S. 896. A bill to modify the optional method of computing net earnings from self-employment; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I am introducing legislation to address an injustice in the Tax Code that is threatening family farmers and other self-employed individuals. Some of my constituents, primarily Wisconsin farmers, have requested Congress's assistance to correct the Tax Code so they can protect their families. The legislation I introduce today, the Farmer Tax Fairness Act of 2005, is similar to legislation I introduced last Congress and will solve the problem for today and into the future.

Farming is vital to Wisconsin. Wisconsin's agricultural industry plays a large and important role in the growth and prosperity of the entire State. Wisconsin's status as ''America's Dairyland,'' is central to our State's agriculture industry. Wisconsin's dairy farmers produce approximately 23 billion pounds of milk and 25 percent of the country's butter a year. But Wisconsin's farmers produce much more than milk; they also are national leaders in the production of cheese, potatoes, ginseng, cranberries, various processing vegetables, and many organic foods. So when the hard-working farmers of Wisconsin need help, I will do all I can to assist.

One concern that I have heard from Wisconsin farmers is that the Tax Code can limit their eligibility for social safety net programs, including old age, survivors, and disability insurance, OASDI, under Social Security and the hospital insurance HI part of Medicare. These programs are paid for through payroll taxes on workers and through the self-employment tax on the income of self-employed individuals. To be eligible for OSADI and HI benefits an individual must be fully insured and must have earned a minimum amount of income in the years immediately preceding the need for coverage. Every year, the Social Security Administration, SSA, sets the amount of earned

income that individuals must pay taxes on to earn quarters of coverage, QCs, and maintain their benefits. An individual's eligibility requirements depend upon the age at which death or disability occurs, but for workers over 31 years of age, they must have earned at least 20 QCs within the past 10 years.

Self-employed individuals can have highly variable income, and, particularly for farmers who are at the whim of Mother Nature, not every year is a good year. During lean years, individuals may not earn enough income to maintain adequate coverage under OASDI and HI. Therefore, the Tax Code provides options to allow self-employed individuals to maintain eligibility for benefits. These options allow individuals to choose to pay taxes based on $1,600 of earned income, thus allowing self-employed entrepreneurs to maintain the same Federal protections even when their income varies.

Unfortunately, both the options for farmers and nonfarmers—Social Security Act 211(a) and I.R.C. §1402(a)—have not kept pace with inflation, and they no longer provide security to families across the country. Decades ago, self-employment income of $1,600 earned an individual four QCs under SSA's calculations. In 2001, the amount needed to earn a QC rose to $830 of earned income, so individuals electing the optional methods were only able to earn one QC per year, making it much harder for them to remain eligible for benefits because they must average 2 QCs per year to be eligible.

Congress's failure to address this problem threatens the ability of self-employed individuals to maintain eligibility for OASDI and HI. I have heard from several of my constituent who want these options to be fixed so they can make sure their families will be taken care of in the event that something unforeseen occurs.

Therefore, I am introducing the Farmer Tax Fairness Act of 2005 in order to provide farmers and self-employed individuals with a fair choice. Under this bill, they will continue to be able to elect the optional method if they so choose. When individuals do elect the option, this legislation provides an update to the Tax Code so farmers and self-employed individuals can retain full eligibility for OASDI and HI benefits. It indexes the optional income levels to SSA's QC calculations, allowing these farmers and self-employed individuals to claim enough earned income to qualify for four OCs annually. In addition, by linking the earned income level to SSA's requirements for QCs, the bill will ensure that the amount of income deemed to be earned under the optional methods will not need to be adjusted by Congress again.

Along with providing security to self-employed individuals and farmers across the country, this solution is fiscally responsible. It actually provides a short run increase in U.S. Treasury revenues while having negligible impact upon the Social Security trust fund in the long run.

Let me take a moment to acknowledge the efforts of the Senator from Iowa, Mr. GRASSLEY, to address this problem in the 107th Congress. As chairman of the Senate Finance Committee, he included similar legislative language in the chairman's mark for the Small Business and Farm Economic Recovery Act of 2002. The Senate Finance Committee held a markup on the legislation on September 19, 2002, but the changes to the optional methods did not become law.

When incomes fall, the Tax Code provides optional methods for calculating net earnings to ensure that farmers and self-employed individuals maintain eligibility for social safety net programs. When these provisions were developed, Congress intended self-employed individuals to have the ability to pay enough to earn a full 4 QCs. Unfortunately the Tax Code has not kept up with the times and due to inflation many farmers are losing eligibility for some of Social Security's programs. Congress needs to provide security to farm families and other self-employed individuals. I urge my colleagues to support the Farmer Tax Fairness Act of 2005.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Farmer Tax Fairness Act of 2005''.

SEC. 2. MODIFICATION TO OPTIONAL METHOD OF COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—The matter following paragraph (15) of section 1402(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$2,400'' each place it appears and inserting ''the upper limit'', and

(B) by striking ''$1,600'' each place it appears and inserting ''the lower limit''.

(2) DEFINITIONS.—Section 1402 of such Code is amended by adding at the end the following new subsection:

''(l) UPPER AND LOWER LIMITS.—For purposes of subsection (a)—

''(1) LOWER LIMIT.—The lower limit for any taxable year is the sum of the amounts required under section 213(d) of the Social Security Act for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

''(2) UPPER LIMIT.—The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.''.

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) IN GENERAL.—The matter following paragraph (15) of section 211(a) of the Social Security Act is amended—

(A) by striking ''$2,400'' each place it appears and inserting ''the upper limit'', and

(B) by striking ''$1,600'' each place it appears and inserting ''the lower limit''.

(2) DEFINITIONS.—Section 211 of such Act is amended by adding at the end the following new subsection:

''Upper and Lower Limits

''(k) For purposes of subsection (a)—

''(1) The lower limit for any taxable year is the sum of the amounts required under section 213(d) for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

''(2) The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.''.

(3) CONFORMING AMENDMENT.—Section 212 of such Act is amended—

(A) in subsection (b), by striking ''For'' and inserting ''Except as provided in subsection (c), for''; and

(B) by adding at the end the following new subsection:

''(c) For the purpose of determining average indexed monthly earnings, average monthly wage, and quarters of coverage in the case of any individual who elects the option described in clause (ii) or (iv) in the matter following section 211(a)(15) for any taxable year that does not begin with or during a particular calendar year and end with or during such year, the self-employment income of such individual deemed to be derived during such taxable year shall be allocated to the two calendar years, portions of which are included within such taxable year, in the same proportion to the total of such deemed self-employment income as the sum of the amounts applicable under section 213(d) for the calendar quarters ending with or within each such calendar year bears to the lower limit for such taxable year specified in section 211(k)(1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. HATCH (for himself, Mr. GRASSLEY, and Mr. BAUCUS):

S. 897. A bill to amend the Internal Revenue Code of 1986 to clarify the calculation of the reserve allowance for medical benefits of plans sponsored by bona fide associations; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce a bill to clarify the tax treatment of a narrow range of health plans sponsored by associations. I am joined in this effort by my good friends and colleagues, the Chairman and the Ranking Democratic Member of the Finance Committee respectively, Senator GRASSLEY and Senator BAUCUS.

For many years, trade associations of small businesses have sponsored plans for their member companies to provide health care coverage to their employees. These plans have helped thousands of small businesses across the country control rising health care costs and keep administrative costs to a minimum.

Unfortunately, final regulations issued by the Internal Revenue Service in 2003 concerning ''10-or-more'' employer health benefit plans that use the experience-rating method threaten to shut down the health plans of many associations. Essentially, these regulations state that health plans that utilize experience rating are not allowed to accumulate reserves, forcing them into the untenable position of either

operating on a break-even basis or losing money.

These regulations were not aimed directly at association health plans, but at certain other employer-provided benefits, such as life and disability insurance, where the IRS has found a pattern of abuse among some companies. However, the proposed implementation of the regulations make it impossible for an association to continue operating a health plan for the group's small business members, even where no abuse of the rules has occurred.

For example, in my home State of Utah, at least one association of small businesses has already been negatively affected by these regulations. This association has dozens of small business members that are dependent upon the health plan the association has had in place for decades. Compliance with the regulations will very likely lead to increased costs for health coverage for the 1,300 employees and their 2,200 dependents of these small businesses. If the trust is not able to properly reserve funds for the future, some of these businesses could be forced to drop out as premiums rise higher and higher and the plan is unable to offset those increases with the reserves.

The legislation we are introducing today would correct this problem by providing that medical benefit plans of bona fide associations may have a reserve of up to 35 percent. This amount is designed to give association health plans the flexibility they need without raising the potential for abuse.

In the face of rising health care costs, employers that offer health coverage to their employees are struggling to maintain these benefits, and those who do not offer coverage find the cost of providing this important advantage increasingly out of reach. With the recent 59 percent spike in health care costs over the past five years, employers have had to resort to various cost-cutting moves in order to keep providing health care benefits. The IRS regulations affecting 10-or-more employer health benefit plans could strike a devastating blow to many small businesses, forcing them to stop providing health care benefits altogether, or at least making the coverage more expensive and/or less available to employees.

This legislation was developed with bipartisan support. It is noncontroversial. It corrects a problem created by a well-meaning regulation that inadvertently overreached its target. I urge all of my colleagues to help us correct this error and not allow medical benefit health plans offered by small business associations to be forced to shut down, leaving thousands of employees facing higher costs for medical coverage, or worse, no coverage at all.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOWANCE OF RESERVE FOR MEDICAL BENEFITS OF PLANS SPONSORED BY BONA FIDE ASSOCIATIONS.

(a) IN GENERAL.—Section 419A(c) of the Internal Revenue Code of 1986 (relating to account limit) is amended by adding at the end the following new paragraph:

''(6) ADDITIONAL RESERVE FOR MEDICAL BENEFITS OF BONA FIDE ASSOCIATION PLANS.—

''(A) IN GENERAL.—An applicable account limit for any taxable year may include a reserve in an amount not to exceed 35 percent of the sum of—

''(i) the qualified direct costs, and

''(ii) the change in claims incurred, but unpaid, for such taxable year with respect to medical benefits (other than post-retirement medical benefits).

''(B) APPLICABLE ACCOUNT LIMIT.—For purposes of this subsection, the term 'applicable account limit' means an account limit for a qualified asset account with respect to medical benefits provided through a plan maintained by a bona fide association (as defined in section 2791(d)(3) of the Public Health Service Act (42 U.S.C. 300gg–91(d)(3))''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2004.

Mr. BAUCUS. Mr. President, I am pleased to join my colleagues, Senators HATCH and GRASSLEY, in introducing legislation that will allow associations to make health insurance available to employers without either wondering if the full premium is deductible, or holding minimal reserves.

Across this country, many associations sponsor health insurance plans for member employers—plans that provide health coverage for thousands of working Americans. These arrangements allow smaller employers to get a better deal on insurance than they could on their own. As we struggle to improve the number of Americans who have health insurance coverage, we surely want to encourage an arrangement that provides cost-effective health benefits.

In order to smooth the cost of these medical benefits, these plans often hold reserves that are more than is necessary to cover unpaid claims that have been incurred at the end of the year. We should encourage that practice. But current law discourages these plans from holding more than the bare minimum in reserve.

The problem is that these plans use welfare trusts as a vehicle to fund the benefits. Under current law, if a state trade association sponsors a health welfare trust, and that trust does not charge every participant the same premium, then that plan may have to go back to employers after the end of the year and say ''Sorry. You can't deduct all of that premium we asked you to pay last year.'' Either that, or the association has to keep premiums low enough to avoid non-deductible contributions, and risk under-funding the benefits. That is not a good outcome.

So we have a simple solution here. This bill allows these association health plans to maintain reserves of thirty-five percent of annual costs without jeopardizing the deductibility of employer contributions to the trust. With current technology, claims are usually processed in a matter of days, not months, so thirty-five percent of annual costs is more than is normally needed to cover unpaid claims at the end of the year. That will leave a cushion to cover adverse experience, and help smooth future premium fluctuations.

This simple change will allow bona fide associations all over this country to not only continue providing health benefits, but to secure those benefits with adequate reserves. Plans like the State Bankers Association Group Benefits Trust that has been operating out of my home town of Helena, Montana, since 1978. This Trust provides health insurance to employees of banks in Montana, Wyoming, and Idaho. Forty-nine Montana banks provide coverage for nearly 3,000 Montanans through this program.

This bill is important to the employers and employees who get health insurance coverage through the State Bankers' trust, and the many other association health trusts in Montana and around the country. We encourage our colleagues to join us in helping associations continue to provide health benefits to tens of thousands of American workers and their families.

By Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. BROWNBACK, Mr. KENNEDY, and Mr. COCHRAN):

S. 898. A bill to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient Navigator Outreach and Chronic Disease Prevention Act of 2005''.

SEC. 2. PATIENT NAVIGATOR GRANTS.

Subpart V of part D of title III of the Public Health Service Act (42 U.S.C. 256) is amended by adding at the end the following:

''SEC. 340A. PATIENT NAVIGATOR GRANTS.

''(a) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to eligible entities for the development and operation of demonstration programs to provide patient navigator services to improve health care outcomes. The Secretary shall coordinate with, and ensure the participation of, the Indian Health Service, the National Cancer Institute, the Office of Rural Health Policy, and such other offices and agencies as deemed appropriate by

the Secretary, regarding the design and evaluation of the demonstration programs.

''(b) USE OF FUNDS.—The Secretary shall require each recipient of a grant under this section to use the grant to recruit, assign, train, and employ patient navigators who have direct knowledge of the communities they serve to facilitate the care of individuals, including by performing each of the following duties:

''(1) Acting as contacts, including by assisting in the coordination of health care services and provider referrals, for individuals who are seeking prevention or early detection services for, or who following a screening or early detection service are found to have a symptom, abnormal finding, or diagnosis of, cancer or other chronic disease.

''(2) Facilitating the involvement of community organizations in assisting individuals who are at risk for or who have cancer or other chronic diseases to receive better access to high-quality health care services (such as by creating partnerships with patient advocacy groups, charities, health care centers, community hospice centers, other health care providers, or other organizations in the targeted community).

''(3) Notifying individuals of clinical trials and, on request, facilitating enrollment of eligible individuals in these trials.

''(4) Anticipating, identifying, and helping patients to overcome barriers within the health care system to ensure prompt diagnostic and treatment resolution of an abnormal finding of cancer or other chronic disease.

''(5) Coordinating with the relevant health insurance ombudsman programs to provide information to individuals who are at risk for or who have cancer or other chronic diseases about health coverage, including private insurance, health care savings accounts, and other publicly funded programs (such as Medicare, Medicaid, health programs operated by the Department of Veterans Affairs or the Department of Defense, the State children's health insurance program, and any private or governmental prescription assistance programs).

''(6) Conducting ongoing outreach to health disparity populations, including the uninsured, rural populations, and other medically underserved populations, in addition to assisting other individuals who are at risk for or who have cancer or other chronic diseases to seek preventative care.

''(c) PROHIBITIONS.—

''(1) REFERRAL FEES.—The Secretary shall require each recipient of a grant under this section to prohibit any patient navigator providing services under the grant from accepting any referral fee, kickback, or other thing of value in return for referring an individual to a particular health care provider.

''(2) LEGAL FEES AND COSTS.—The Secretary shall prohibit the use of any grant funds received under this section to pay any fees or costs resulting from any litigation, arbitration, mediation, or other proceeding to resolve a legal dispute.

''(d) GRANT PERIOD.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may award grants under this section for periods of not more than 3 years.

''(2) EXTENSIONS.—Subject to paragraph (3), the Secretary may extend the period of a grant under this section. Each such extension shall be for a period of not more than 1 year.

''(3) LIMITATIONS ON GRANT PERIOD.—In carrying out this section, the Secretary—

''(A) shall ensure that the total period of a grant does not exceed 4 years; and

''(B) may not authorize any grant period ending after September 30, 2010.

''(e) APPLICATION.—

''(1) IN GENERAL.—To seek a grant under this section, an eligible entity shall submit an application to the Secretary in such form, in such manner, and containing such information as the Secretary may require.

''(2) CONTENTS.—At a minimum, the Secretary shall require each such application to outline how the eligible entity will establish baseline measures and benchmarks that meet the Secretary's requirements to evaluate program outcomes.

''(f) UNIFORM BASELINE MEASURES.—The Secretary shall establish uniform baseline measures in order to properly evaluate the impact of the demonstration projects under this section.

''(g) PREFERENCE.—In making grants under this section, the Secretary shall give preference to eligible entities that demonstrate in their applications plans to utilize patient navigator services to overcome significant barriers in order to improve health care outcomes in their respective communities.

''(h) DUPLICATION OF SERVICES.—An eligible entity that is receiving Federal funds for activities described in subsection (b) on the date on which the entity submits an application under subsection (e), may not receive a grant under this section unless the entity can demonstrate that amounts received under the grant will be utilized to expand services or provide new services to individuals who would not otherwise be served.

''(i) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall ensure coordination of the demonstration grant program under this section with existing authorized programs in order to facilitate access to high-quality health care services.

''(j) STUDY; REPORTS.—

''(1) FINAL REPORT BY SECRETARY.—Not later than 6 months after the completion of the demonstration grant program under this section, the Secretary shall conduct a study of the results of the program and submit to the Congress a report on such results that includes the following:

''(A) An evaluation of the program outcomes, including—

''(i) quantitative analysis of baseline and benchmark measures; and

''(ii) aggregate information about the patients served and program activities.

''(B) Recommendations on whether patient navigator programs could be used to improve patient outcomes in other public health areas.

''(2) REPORTS BY SECRETARY.—The Secretary may provide interim reports to the Congress on the demonstration grant program under this section at such intervals as the Secretary determines to be appropriate.

''(3) INTERIM REPORTS BY GRANTEES.—The Secretary may require grant recipients under this section to submit interim and final reports on grant program outcomes.

''(k) RULE OF CONSTRUCTION.—This section shall not be construed to authorize funding for the delivery of health care services (other than the patient navigator duties listed in subsection (b)).

''(l) DEFINITIONS.—In this section:

''(1) The term 'eligible entity' means a public or nonprofit private health center (including a Federally qualified health center (as that term is defined in section 1861(aa)(4) of the Social Security Act)), a health facility operated by or pursuant to a contract with the Indian Health Service, a hospital, a cancer center, a rural health clinic, an academic health center, or a nonprofit entity that enters into a partnership or coordinates referrals with such a center, clinic, facility, or hospital to provide patient navigator services.

''(2) The term 'health disparity population' means a population that, as determined by the Secretary, has a significant disparity in the overall rate of disease incidence, prevalence, morbidity, mortality, or survival rates as compared to the health status of the general population.

''(3) The term 'patient navigator' means an individual who has completed a training program approved by the Secretary to perform the duties listed in subsection (b).

''(m) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated $2,000,000 for fiscal year 2006, $5,000,000 for fiscal year 2007, $8,000,000 for fiscal year 2008, $6,500,000 for fiscal year 2009, and $3,500,000 for fiscal year 2010.

''(2) AVAILABILITY.—The amounts appropriated pursuant to paragraph (1) shall remain available for obligation through the end of fiscal year 2010.''.

By Mr. BURNS:

S. 899. A bill to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge and Kootenai National Forests, Montana, to Jefferson County and Sanders County, Montana, for use as cemeteries and other purposes; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, this bill conveys 3.4 acres on the Beaverhead-Deerlodge National Forest to Jefferson County, MT and 10 acres on the Kootenai National Forest to Sanders County, MT for continued use as cemeteries.

The Elkhorn Cemetery in Jefferson County has been used as a cemetery since the 1860's. Due to surveying errors and limited information when the National Forest boundaries were surveyed in the early 1900's, the cemetery was included as National Forest lands. The cemetery is still in use by local families who homesteaded and worked the mines in the area. However, Forest Service manual direction strongly discourages burials on National Forest lands, placing both the families and Forest Service in an awkward position.

The Noxon Cemetery is part of a Kootenai National Forest administrative site that is currently for sale. The cemetery has been used since at least 1910 and contains over 300 graves. Sanders County wants to protect the cemetery from potential damage, and the Forest Service wants to remove the encumbrance of the cemetery from the administrative site sale or future Federal ownership.

In both locations, it is clear the cemeteries should not have been included as part of the National Forest. The County Commissioners and the local public strongly support the conveyance.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Montana Cemetery Act of 2005''.

SEC. 2. CONVEYANCE TO JEFFERSON COUNTY AND SANDERS COUNTY, MONTANA.

(a) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary of Agriculture (referred to in this Act as the ''Secretary''), acting through the Chief of the Forest Service, shall convey to Jefferson County, Montana, the Elkhorn Cemetery and to Sanders County, Montana, the Noxon Cemetery, for no consideration, all right, title, and interest of the United States in and to the parcels of land as described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are the parcels of National Forest System land (including any improvements on the land) known as—

(1) the Elkhorn Cemetery, which consists of 10 acres in Jefferson County located in SW1/4 Sec. 14, T. 6 N., R. 3 W.; and

(2) the Noxon Cemetery, which consists of 3.4 acres in Sanders County located in SE1/4, Sec. 24, T. 26 N., R. 33 W.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions for the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 119—DESIGNATING APRIL 21, 2005, AS ''NATIONAL KINDERGARTEN RECOGNITION DAY''

Mr. SALAZAR (for himself, Ms. LANDRIEU, and Mr. BINGAMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 119

Whereas Friedrich Froebel, known as the ''Father of Kindergarten'', opened the first kindergarten classroom on April 21, 1837, with the goal of shaping young children in a nurturing, educational, and protected environment;

Whereas kindergarten has a long history of enhancing children's cognitive, physical, and social development in the United States and throughout the world;

Whereas Margarethe Meyer Schurz opened the first German-speaking kindergarten in the United States in 1856, Elizabeth Peabody opened the first English-speaking kindergarten in Boston, Massachusetts, in 1873, and the first public school kindergarten classrooms were established under the leadership of Susan Blow and William Torrey Harris in St. Louis, Missouri, in the early 1870s;

Whereas kindergarten is a critical year in children's formal education, as well as in their continued physical, social, and emotional development, that prepares them for later school success and lifelong learning;

Whereas quality kindergarten programs use developmentally, culturally, and linguistically appropriate curricula, teaching practices, and assessments to support each child's learning and development progress to reach his or her maximum potential;

Whereas teachers who teach kindergarten need to have specialized knowledge and skills in working with young children to respond to the unique interests, learning styles, and developmental characteristics of children in their kindergarten year;

Whereas kindergarten programs need to be ready for all children who are eligible, including children with disabilities and children who are not native English speakers, and their families;

Whereas kindergarten programs should collaborate and coordinate with preschools and with the other early elementary grades in order to provide a continuum of appropriate, effective early learning for all children as they transition to and through the early grades of school;

Whereas in 2001, more than more 3,700,000 children between the ages of 4 and 6 years old attended kindergarten, including full-day, half-day, or alternate day programs;

Whereas the percentage of children attending full-day kindergarten programs has grown from 28 percent in 1977 to 60 percent in 2001; and

Whereas establishment of a ''National Kindergarten Recognition Day'' will help draw attention to the critical role kindergarten plays as the transitional year from early education programs to the elementary and secondary education system: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 21, 2005, as ''National Kindergarten Recognition Day'' to raise public awareness about the impact of the kindergarten year on the development of our nation's children; and

(2) urges the people of the United States to recognize the historic tradition of kindergarten in the United States and its contribution to preparing children for their elementary and secondary educational achievement and experiences.

SENATE RESOLUTION 120—HONORING SMALL BUSINESSES DURING THE SMALL BUSINESS ADMINISTRATION'S NATIONAL SMALL BUSINESS WEEK, THE WEEK BEGINNING APRIL 24, 2005.

Ms. SNOWE (for herself, Mr. KERRY, Mr. TALENT, Mr. VITTER, Mr. CORNYN, Mr. COLEMAN, Mr. BURNS, Mr. BOND, Mr. ALLEN, Mr. ISAKSON, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 120

Whereas America's 25,000,000 small businesses have fueled the Nation's economy, creating more than ¾ of all new jobs and accounting for more than 50 percent of the Nation's gross domestic product;

Whereas small businesses are the Nation's innovators, advancing technology and fueling the economic growth and productivity;

Whereas the Small Business Administration has been a critical partner in the success of the Nation's small businesses and these businesses' continued economic growth;

Whereas the mission of the Small Business Administration is to maintain and strengthen the Nation's economy by aiding, counseling, assisting, and protecting the interests of small businesses and by helping families and small businesses recover from natural disasters;

Whereas the Small Business Administration has helped small businesses access critical lending opportunities, protected small businesses from excessive Federal regulatory enforcement, played a key role in ensuring full and open competition for government contracts, and improved the economic environment in which small businesses compete;

Whereas the Small Business Administration, which was established in 1953, has also provided valuable service to small businesses through financial assistance, technical assistance, procurement assistance, small business advocacy, and disaster recovery assistance;

Whereas for over 50 years the Small Business Administration has helped approximately 22,000,000 Americans start, grow, and expand their businesses and has placed almost $250,000,000,000 in loans and venture capital financing into the hands of entrepreneurs;

Whereas the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business; and

Whereas the Small Business Administration will mark National Small Business Week, the week beginning April 24, 2005: Now, therefore, be it

Resolved, That the Senate—

(1) honors small businesses during the Small Business Administration's National Small Business Week, the week beginning April 24, 2005;

(2) supports the purpose and goals of National Small Business Week; and

(3) commends the Small Business Administration and the Small Business Administration's resource partners—

(A) for their work, which has been critical in helping the Nation's small businesses grow and develop; and

(B) for being key players in the Nation's economic vitality.

SENATE RESOLUTION 121—SUPPORTING MAY 2005 AS ''NATIONAL BETTER HEARING AND SPEECH MONTH'' AND COMMENDING THOSE STATES THAT HAVE IMPLEMENTED ROUTINE HEARING SCREENING FOR EVERY NEWBORN BEFORE THE NEWBORN LEAVES THE HOSPITAL

Mr. COLEMAN (for himself, Mr. LIEBERMAN, and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 121

Whereas the National Institute on Deafness and Other Communication Disorders reports that approximately 28,000,000 people in the United States experience hearing loss or have a hearing impairment;

Whereas 1 out of every 3 people in the United States over the age of 65 have hearing loss;

Whereas the overwhelming majority of people in the United States with hearing loss would benefit from the use of a hearing aid and fewer than 7,000,000 people in the United States use a hearing aid;

Whereas 30 percent of people in the United States suffering from hearing loss cite financial constraints as an impediment to hearing aid use;

Whereas hearing loss is among the most common congenital birth defects;

Whereas a delay in diagnosing the hearing loss of a newborn can affect the social, emotional, and academic development of the child;

Whereas the average age at which newborns with hearing loss are diagnosed is between the ages of 12 to 25 months; and

Whereas May 2005 is National Better Hearing and Speech Month, providing Federal, State, and local governments, members of the private and nonprofit sectors, hearing and speech professionals, and all people in the United States an opportunity to focus on preventing, mitigating, and treating hearing impairments: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Better Hearing and Speech Month, May 2005;

(2) commends those States that have implemented routine hearing screenings for every newborn before the newborn leaves the hospital; and

(3) encourages all people in the United States to have their hearing checked regularly.

Mr. COLEMAN. Mr. President, I am pleased to submit the Better Hearing and Speech Month Resolution with my friend and colleague Senator JOSEPH LIEBERMAN of Connecticut.

By passing this resolution, Congress will recognize May 2005 as National Better Hearing and Speech Month which will help raise public awareness, encourage prevention and treatment of hearing impairments, and commend those States that have implemented routine hearing screening for every newborn baby before the infant leaves the hospital. One in every ten Americans has hearing loss making it one of the most prevalent chronic health conditions in this country. In addition, every day 33 babies are born in the United States with permanent hearing loss, making it one of the most frequently occurring birth defects. The impact of delayed detection and intervention can last a lifetime.

When hearing loss is found early, intervention and treatment can produce dramatic improvements in child speech and language development by school age.

This Resolution will raise public awareness of the 28 million Americans who suffer from hearing loss and the importance of early detection and treatment.

I look forward to working with my colleagues to pass this Resolution as research shows that children identified with hearing loss early and those who receive appropriate early qualified intervention by the age of six months have significantly improved speech skills than children whose hearing loss is identified later.

SENATE RESOLUTION 122—RECOGNIZING THE HISTORIC EFFORTS OF THE REPUBLIC OF KAZAKHSTAN TO REDUCE THE THREAT OF WEAPONS OF MASS DESTRUCTION THROUGH COOPERATION IN THE NUNN-LUGAR/COOPERATIVE THREAT REDUCTION PROGRAM, AND CELEBRATING THE 10TH ANNIVERSARY OF THE REMOVAL OF ALL NUCLEAR WEAPONS FROM THE TERRITORY OF KAZAKHSTAN

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 122

Whereas at the time of the collapse of the Union of Soviet Socialist Republics in December 1991, 1,410 nuclear warheads on heavy intercontinental ballistic missiles, air-launched cruise missiles, and heavy bombers were located within the Republic of Kazakhstan;

Whereas, on July 2, 1992, the parliament of Kazakhstan approved and made Kazakhstan a party to the Treaty on the Reduction and Limitation of Strategic Offensive Arms, with annexes, protocols and memorandum of understanding, signed at Moscow July 31, 1991, and entered into force December 5, 1994 (commonly known as the ''START Treaty'');

Whereas, on February 14, 1995, Kazakhstan formally acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'');

Whereas, on December 13, 1993, the Government of Kazakhstan signed the Safe and Secure Dismantlement Act (SSD) and its 5 implementing agreements with the United States, and became eligible to receive $85,000,000 in assistance under the Nunn-Lugar/Cooperative Threat Reduction Program;

Whereas the decision of the people and the Government of Kazakhstan to transfer all nuclear weapons from the territory of Kazakhstan to the control of the Russian Federation allowed Kazakhstan to become a non-nuclear-weapon State Party to the Nuclear Non-Proliferation Treaty;

Whereas the continuing efforts of the Government of Kazakhstan to pursue cooperative efforts with the United States and other countries to secure, eliminate, destroy, or interdict weapons and materials of mass destruction and their means of delivery provides a model for such efforts; and

Whereas, in April 1995, the Government of Kazakhstan formally transferred the last nuclear warhead from the territory of Kazakhstan to the territory of the Russian Federation: Now, therefore be it

Resolved, That the Senate commends, on the occasion of the 10th anniversary of the removal of the last nuclear warhead from the territory of Kazakhstan, the people and the Government of the Republic of Kazakhstan for their historic decision to rid Kazakhstan of nuclear weapons.

Mr. LUGAR. Mr. President, today I submit a Senate resolution to celebrate the decision made by Kazakhstan to join the Nuclear Nonproliferation Treaty (NPT) as a non-nuclear weapon state. Ten years ago this month Kazakhstan sent the last Soviet nuclear warhead on its territory to Russia.

With the Review Conference on the NPT in New York starting next week, it is an especially important time to note the progress made toward the NPT's goals, with U.S. assistance, in Kazakhstan.

More than a decade ago, when the Soviet Union collapsed, Kazakhstan became the fourth largest nuclear power in the world. But instead of enlarging the nuclear club, Kazakhstan joined Ukraine and Belarus in turning away from weapons of mass destruction. Courageous leaders chose instead to embrace the NPT in removing all nuclear arms from Kazakhstan.

The world cheered when Kazakhstan formally acceded to the NPT. I am proud of the role the United States played in Kazakhstan's decision and of our role in facilitating the removal of thousands of nuclear warheads and the elimination of hundreds of SS–18 intercontinental ballistic missiles, silos, and command centers. The addition of three more nuclear-armed states would have been a devastating setback for the NPT.

It is particularly important that the Senate draw attention to Kazakhstan's wise and brave choice, as it stands in stark contrast to events in India, Pakistan, North Korea, and Iran. In 1998, the world was shocked by the testing of nuclear weapons in India and Pakistan. In January 2003, the durability of the NPT was shaken by North Korea's purported withdrawal. We have watched for the past two years as the IAEA deliberated over Iran's numerous safeguards violations amid Tehran's threats of withdrawal from the NPT should the body seek to enforce the treaty's provisions.

With these events in mind, we should remember Kazakhstan. Instead of violating international norms and retaining nuclear weapons, Kazakh leaders made the right choice. When searching for success stories, the international community can turn to Kazakhstan.

The Nunn-Lugar Program also assisted Kazakhstan in eliminating the former Soviet nuclear weapons testing complex at the Degelen Mountain Test Tunnel Complex and at Balapan. In close cooperation with Kazakh partners, the Nunn-Lugar program systematically dismantled the complex and sealed nearly 200 nuclear test tunnels and shafts. These facilities will never again contribute to the weapons systems that threatened the world during the Cold War.

The United States, Kazakhstan, and the international community still have much work to do and these efforts will require compromise and sacrifice. The last ten years have shown that nothing is impossible. Both sides have set aside past differences to accomplish this cooperation. Let us continue to approach these challenges with creativity, a willingness to cooperate, and a commitment to the NPT.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, April 27, 2005, at 9:30 a.m., to mark up S. 271, a bill which reforms the regulatory and reporting structure of organizations registered under Section 527 of the Internal Revenue Code.

For further information regarding this hearing, please contact Susan Wells at the Rules and Administration Committee on 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Intellectual Property be authorized to meet to conduct a hearing on ''Perspectives on Patents'' on Monday, April 25, 2005, at 1:30 p.m. in Room 226 of the Dirksen Senate Office Building.

Witness list

Panel I: Hon. Jon W. Dudas, Under Secretary of Commerce for Intellectual Property, Director of the U.S. Patent and Trademark Office, Department of Commerce, Alexandria, VA.

Panel II: Dr. Richard C. Levin, President of Yale University, New Haven, CT, and Co-Chair of the Committee on Intellectual Property Rights in the Knowledge-Based Economy, Board on Science, Technology, and Economic Policy, National Research Council; Dr. Mark B. Myers, Visiting Executive Professor, Management Department at the Wharton Business School, The University of Pennsylvania, Philadelphia, PA, and Co-Chair of the Committee on Intellectual Property Rights in the Knowledge-Based Economy, Board on Science, Technology, and Economic Policy, National Research Council.

Panel III: William Parker, Diffraction, Ltd., Waitsfield, VT; Dean Kamen, President, DEKA Research & Development Corp., Manchester, NH; David Simon, Chief Patent Counsel, Intel Corporation, Santa Clara, CA; Robert A. Armitage, Senior Vice President and General Counsel, Eli Lilly and Company, Indianapolis, IN; Joel Poppen, Deputy General Counsel, Micron Technologies, Inc., Boise, ID; and Michael K. Kirk, Executive Director, American Intellectual Property Law Association, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that the following fellows be granted the privilege of the floor for the duration of the consideration of the transportation bill: Heideh Sahmoradi, Greg Murrill, Mitch Surrett, Rudy Kapichak, John Stoody, Kent Van Landuyt, James Gentry, and Elissa Konove.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF H.R. 1268

Mr. INHOFE. Mr. President, I ask unanimous consent H.R. 1268 be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005

On Thursday, April 21, 2005, the Senate passed H.R. 1268, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1268) entitled ''An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEFENSE-RELATED APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $13,609,308,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $535,108,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,358,053,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,684,943,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $39,627,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $9,411,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $4,015,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $130,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $291,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $91,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $16,767,304,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $3,430,801,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $970,464,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,528,574,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,308,392,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) up to $1,370,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $21,354,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $75,164,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $24,920,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $326,879,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Security Forces Fund'', $1,285,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Forces Command—Afghanistan, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amounts provided under this heading, $290,000,000 shall be transferred to ''Operation and Maintenance, Army'' to reimburse the Department of the Army for costs incurred to train, equip and provide related assistance to Afghan security forces: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $5,700,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amounts provided under this heading, $210,000,000 shall be transferred to ''Operation and Maintenance, Army'' to reimburse the Department of the Army for costs incurred to train, equip, and provide related assistance to Iraqi security forces: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That, notwithstanding any other provision of law, from funds made available under this heading, $99,000,000 shall be used to provide assistance to the Government of Jordan to establish a regional training center designed to provide comprehensive training programs for regional military and security forces and military and civilian officials, to enhance the capability of such forces and officials to respond to existing and emerging security threats in the region: Provided further, That assistance authorized by the preceding proviso may include the provision of facilities, equipment, supplies, services and training: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $458,677,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $280,250,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $2,406,447,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $475,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $5,322,905,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $200,295,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $66,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $133,635,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $78,397,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $2,929,045,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $269,309,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $6,998,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is

designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,653,760,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $591,327,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $37,170,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $179,051,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $132,540,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $203,561,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,311,300,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $32,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $225,550,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $227,000,000: Provided, That these funds may be used only for such activities related to Afghanistan and Pakistan: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; and procurement: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $148,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for ''Intelligence Community Management Account'', $250,300,000, of which $181,000,000 is to remain available until September 30, 2006: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

SPECIAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

SEC. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this Act: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2005, except for the fourth proviso: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

SEC. 1102. Section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 969), is amended by striking ''$3,500,000,000'' and inserting in lieu thereof ''$5,685,000,000'': Provided, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

COUNTER-DRUG ACTIVITIES

SEC. 1103. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated under the heading, ''Drug Interdiction and Counter-Drug Activities, Defense'' in this Act, not to exceed $40,000,000 may be made available for the provision of support for counter-drug activities of the Governments of Afghanistan and Pakistan: Provided, That such support shall be provided in addition to support provided for the counter-drug activities of said Government under any other provision of law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108–136) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2005.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Governments of Afghanistan and Pakistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

EXTRAORDINARY AND EMERGENCY EXPENSES

SEC. 1104. Under the heading, ''Operation and Maintenance, Defense-Wide'', in title II of the Department of Defense Appropriations Act, 2005 (Public Law 108–287), strike ''$32,000,000'' and insert ''$43,000,000''.

ADVANCE BILLING

SEC. 1105. Notwithstanding section 2208(l) of title 10, United States Code, during the current fiscal year working capital funds of the Department of Defense may utilize advance billing in a total amount not to exceed $1,500,000,000.

WEAPONS PURCHASE AND DISPOSAL

SEC. 1106. Notwithstanding any other provision of law, from funds made available in this Act to the Department of Defense under ''Operation and Maintenance, Defense-Wide'', not to exceed $10,000,000 may be used to purchase and dispose of weapons from any person, foreign government, international organization or other entity, for the purpose of protecting U.S. forces overseas: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding the purchase and disposal of weapons under this section.

COMMANDER'S EMERGENCY RESPONSE PROGRAM

SEC. 1107. Section 1201(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), as amended by section 102, title I, division J, Consolidated Appropriations Act, 2005 (Public Law 108–447), is further amended by striking ''$500,000,000'' and inserting ''$854,000,000''.

CLASSIFIED PROGRAM

SEC. 1108. Section 8090(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287), is amended by striking ''$185,000,000'' and inserting ''$210,000,000''.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. 1109. Section 1096(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), is amended—

(1) by striking ''in the fiscal year after the effective date of this Act'' and inserting in lieu thereof ''in the fiscal years 2005 and 2006''; and

(2) in paragraph (1) by striking ''500 new personnel billets'' and inserting in lieu thereof ''the total of 500 new personnel positions''.

SEC. 1110. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD. (a) SHORT TITLE.—This section may be cited as the ''Reservists Pay Security Act of 2005''.

(b) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

''§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

''(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

''(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

''(2) the amount of pay and allowances which (as determined under subsection (d))—

''(A) is payable to such employee for that service; and

''(B) is allocable to such pay period.

''(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

''(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

''(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

''(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

''(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

''(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

''(c) Any amount payable under this section to an employee shall be paid—

''(1) by such employee's employing agency;

''(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

''(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

''(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

''(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

''(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

''(f) For purposes of this section—

''(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given them in section 4303 of title 38;

''(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

''(3) the term 'basic pay' includes any amount payable under section 5304.''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

''5538. Nonreduction in pay while serving in the uniformed services or National Guard.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

RESERVE AFFILIATION BONUS

SEC. 1111. Notwithstanding subsection (c) of section 308e of title 37, United States Code, the maximum amount of the bonus paid to a member of the Armed Forces pursuant to a reserve affiliation agreement entered into under such section during fiscal year 2005 shall not exceed $10,000, and the Secretary of Defense and the Secretary of Homeland Security, with respect to the Coast Guard, may prescribe regulations under subsection (f) of such section to modify the method by which bonus payments are made under reserve affiliation agreements entered into during such fiscal year.

SERVICEMEMBERS' GROUP LIFE INSURANCE

SEC. 1112. SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENTS. (a) INCREASED MAXIMUM AMOUNT UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A), by striking clause (i) and inserting the following new clause:

''(i) In the case of a member—

''(I) $400,000 or such lesser amount as the member may elect;

''(II) in the case of a member covered by subsection (e), the amount provided for or elected by the member under subclause (I) plus the additional amount of insurance provided for the member by subsection (e); or

''(III) in the case of a member covered by subsection (e) who has made an election under paragraph (2)(A) not to be insured under this subchapter, the amount of insurance provided for the member by subsection (e).''; and

(2) in subsection (d), by striking ''$250,000'' and inserting ''$400,000''.

(b) ADDITIONAL AMOUNT FOR MEMBERS SERVING IN CERTAIN AREAS OR OPERATIONS.—

(1) INCREASED AMOUNT.—Section 1967 of such title is further amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

''(e)(1) A member covered by this subsection is any member as follows:

''(A) Any member who dies as a result of one or more wounds, injuries, or illnesses incurred while serving in an operation or area that the Secretary designates, in writing, as a combat operation or a zone of combat, respectively, for purposes of this subsection.

''(B) Any member who formerly served in an operation or area so designated and whose death is determined (under regulations prescribed by the Secretary of Defense) to be the direct result of injury or illness incurred or aggravated while so serving.

''(2) The additional amount of insurance under this subchapter that is provided for a member by this subsection is $150,000, except that in a case in which the amount provided for or elected by the member under subclause (I) of subsection (a)(3)(A) exceeds $250,000, the additional amount of insurance under this subchapter that is provided for the member by this subsection shall be reduced to such amount as is necessary to comply with the limitation in paragraph (3).

''(3) The total amount of insurance payable for a member under this subchapter may not exceed $400,000.

''(4) While a member is serving in an operation or area designated as described in paragraph (1), the cost of insurance of the member under this subchapter that is attributable to $150,000 of insurance coverage shall be contributed as provided in section 1969(b)(2) of this title and may not be deducted or withheld from the member's pay.''.

(2) FUNDING.—Section 1969(b) of such title is amended—

(A) by inserting ''(1)'' after ''(b)''; and

(B) by adding at the end the following new paragraph:

''(2) For each month for which a member insured under this subchapter is serving in an operation or area designated as described by paragraph (1)(A) of section 1967(e) of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary and certified to the Secretary concerned to be the cost of Servicemembers' Group Life Insurance which is traceable to the cost of providing insurance for the member under section 1967 of this title in the amount of $150,000.''.

(c) CONFORMING AMENDMENT.—Section 1967(a)(2)(A) of such title is amended by inserting before the period at the end the following: '', except for insurance provided under paragraph (3)(A)(i)(III)''.

(d) COORDINATION WITH VGLI.—Section 1977(a) of such title is amended—

(1) by striking ''$250,000'' each place it appears and inserting ''$400,000''; and

(2) by adding at the end of paragraph (1) the following new sentence: ''Any additional amount of insurance provided a member under section 1967(e) of this title may not be treated as an amount for which Veterans' Group Life Insurance shall be issued under this section.''.

(e) REQUIREMENTS REGARDING ELECTIONS OF MEMBERS TO REDUCE OR DECLINE INSURANCE.—Section 1967(a) of such title is further amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

''(C) Pursuant to regulations prescribed by the Secretary of Defense, notice of an election of a member not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under paragraph (3)(A)(i)(I), shall be provided to the spouse of the member.''; and

(2) in paragraph (3)—

(A) in the matter preceding clause (i), by striking ''and (C)'' and inserting '', (C), and (D)''; and

(B) by adding at the end the following new subparagraphs:

''(D) A member with a spouse may not elect not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under subparagraph (A)(i)(I), without the written consent of the spouse.''.

(f) REQUIREMENT REGARDING REDESIGNATION OF BENEFICIARIES.—Section 1970 of such title is amended by adding at the end the following new subsection:

''(j) A member with a spouse may not modify the beneficiary or beneficiaries designated by the member under subsection (a) without the written consent of the spouse.''.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

(h) TERMINATION.—The amendments made by this section shall terminate on September 30, 2005. Effective on October 1, 2005, the provisions of sections 1967, 1969, 1970, and 1977 of title 38,

United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

DEATH GRATUITY

SEC. 1113. (a) INCREASE IN DEATH GRATUITY.—

(1) AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking ''$12,000'' and inserting ''$100,000''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) NO ADJUSTMENT FOR INCREASES IN BASIC PAY BEFORE DATE OF ENACTMENT.—No adjustment shall be made under subsection (c) of section 1478 of title 10, United States Code, with respect to the amount in force under subsection (a) of that section, as amended by paragraph (1), for any period before the date of the enactment of this Act.

(4) PAYMENT FOR DEATHS BEFORE DATE OF ENACTMENT.—Any additional amount payable as a death gratuity under this subsection for the death of a member of the Armed Forces before the date of the enactment of this Act shall be paid to the eligible survivor of the member previously paid a death gratuity under section 1478 of title 10, United States Code, for the death of the member. If payment cannot be made to such survivor, payment of such amount shall be made to living survivor of the member otherwise highest on the list under 1477(a) of title 10, United States Code.

(b) ADDITIONAL GRATUITY FOR DEATHS BEFORE EFFECTIVE DATE.—

(1) REQUIREMENT TO PAY ADDITIONAL GRATUITY.—

(A) In the case of a member of the Armed Forces described in subparagraph (B), the Secretary of the military department concerned shall pay a death gratuity in accordance with this subsection that is in addition to the death gratuity payable in the case of such death under sections 1475 through 1477 of title 10, United States Code.

(B) The requirements of this subsection apply in the case of a member of the Armed Forces who died before the date of the enactment of this Act as a direct result of one or more wounds, injuries, or illnesses that—

(i) were incurred in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom; or

(ii) were incurred as described in section 1413a(e)(2) of title 10, United States Code, on or after October 7, 2001.

(2) AMOUNT.—The amount of the additional death gratuity is $150,000.

(3) BENEFICIARIES.—The beneficiary or beneficiaries who are entitled under section 1477 of title 10, United States Code, to receive payment of the regular military death gratuity in the case of the death of a member referred to in paragraph (2) shall be entitled to receive the additional death gratuity payable in such case. If there are two or more such beneficiaries, the portion of the total amount of the additional death gratuity payable to a beneficiary in such case shall be the amount that bears the same ratio to the total amount of the additional death gratuity under paragraph (2) as the amount of the share of the regular military death gratuity payable to that beneficiary bears to the total amount of the regular military death gratuity payable to all such beneficiaries in such case.

(4) DEFINITIONS.—In this subsection:

(A) The term ''additional death gratuity'' means the death gratuity provided under paragraph (1).

(B) The term ''regular military death gratuity'', means a death gratuity payable under sections 1475 through 1477 of title 10 United States Code.

SEC. 1114. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION. (a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking ''have a death gratuity paid'' and inserting ''have fallen hero compensation paid''.

(2) In section 1476(a)—

(A) in paragraph (1), by striking ''a death gratuity'' and inserting ''fallen hero compensation''; and

(B) in paragraph (2), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(3) In section 1477(a), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(4) In section 1478(a), by striking ''The death gratuity'' and inserting ''The amount of fallen hero compensation''.

(5) In section 1479(1), by striking ''the death gratuity'' and inserting ''fallen hero compensation''.

(6) In section 1489—

(A) in subsection (a), by striking ''a gratuity'' in the matter preceding paragraph (1) and inserting ''fallen hero compensation''; and

(B) in subsection (b)(2), by inserting ''or other assistance'' after ''lesser death gratuity''.

*(b) CLERICAL AMENDMENTS.—(1) Such subchapter is further amended by striking ''**Death gratuity:**'' each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting ''**Fallen hero compensation:**''.*

(2) The table of sections at the beginning of such subchapter is amended by striking ''Death gratuity:'' in the items relating to sections 1474 through 1480 and 1489 and inserting ''Fallen hero compensation:''.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

INTELLIGENCE ACTIVITIES AUTHORIZATION

SEC. 1115. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

PROHIBITION OF NEW START PROGRAMS

SEC. 1116. (a) None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

(b) Notwithstanding subsection (a) of this section, the Department of the Army may use funds made available in this Act under the heading, ''Procurement of Ammunition, Army'' to procure ammunition and accessories therefor that have a standard-type classification, under Army regulations pertaining to the acceptability of materiel for use, and that are the same as other ammunition and accessories therefor that have been procured with funds made available under such heading in past appropriations Acts for the Department of Defense, only for 25mm high explosive rounds for M2 Bradley Fighting Vehicles, 120mm multi-purpose anti-tank and obstacle reduction rounds for M1 Abrams tanks, L410 aircraft countermeasure flares, 81mm mortar red phosphorous smoke rounds, MD73 impulse cartridge for aircraft flares, and 20mm high explosive rounds for C–RAM, whose stocks have been depleted and must be replenished for continuing operations of the Department of the Army.

CHEMICAL WEAPONS DEMILITARIZATION

SEC. 1117. (a)(1) Notwithstanding section 917 of Public Law 97–86, as amended, of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005 (Public Law 108–287), the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005 (Public Law 108–324), and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, that had not been obligated as of March 15, 2005, shall remain available for obligation solely for such purpose and shall be made available not later than 30 days after the date of the enactment of this Act to the Program Manager for Assembled Chemical Weapons Alternatives for activities related to such purpose at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado.

(2) The amount of funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, that had not been obligated or expended as of March 15, 2005, is $372,280,000.

(3) Of the funds made available to the Program Manager under paragraph (1), not less than $100,000,000 shall be obligated by the Program Manager not later than 120 days after the date of the enactment of this Act.

(b)(1) Notwithstanding section 917 of Public Law 97–86, as amended, none of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, may be deobligated, transferred, or reprogrammed out of the Assembled Chemical Weapons Alternatives Program.

(2) The amount appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, is $813,440,000.

(c) No funds appropriated or otherwise made available to the Secretary of Defense under this Act or any other Act may be obligated or expended to finance directly or indirectly any study related to the transportation of chemical weapons across State lines.

PHILADELPHIA REGIONAL PORT AUTHORITY

SEC. 1118. Section 115 of division H of Public Law 108–199 is amended by striking all after ''made available'' and substituting '', notwithstanding section 2218(c)(1) of title 10, United States Code, for a grant to Philadelphia Regional Port Authority, to be used solely for the purpose of construction, by and for a Philadelphia-based company established to operate high-speed, advanced-design vessels for the transport of high-value, time-sensitive cargoes in the foreign commerce of the United States, of a marine cargo terminal and IT network for high-speed commercial vessels that is capable of supporting military sealift requirements.''.

CONTINUITY OF GOVERNMENT TRANSPORTATION

SEC. 1119. Notwithstanding any other provision of the law, to facilitate the continuity of Government, during fiscal year 2005, no more than 11 officers and employees of the Executive Office of the President may be transported between their residence and place of employment on passenger carriers owned or leased by the Federal Government.

LPD–17 COST ADJUSTMENT

(TRANSFER OF FUNDS)

SEC. 1120. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 2005/2009'':

LCU (X), $19,000,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2008'':

LPD–17, $19,000,000:

Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROHIBITION ON COMPETITION OF THE NEXT GENERATION DESTROYER (DD(X))

SEC. 1121. (a) No funds appropriated or otherwise made available by this Act, or by any other Act, may be obligated or expended to prepare for, conduct, or implement a strategy for the acquisition of the next generation destroyer (DD(X)) program through a winner-take-all strategy.

(b) WINNER-TAKE-ALL STRATEGY DEFINED.—In this section, the term ''winner-take-all strategy'', with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

CIVILIAN PAY

SEC. 1122. None of the funds appropriated to the Department of Defense by this Act or any other Act for fiscal year 2005 or any other fiscal year may be expended for any pay raise granted on or after January 1, 2005 that is implemented in a manner that provides a greater increase for non-career employees than for career employees on the basis of their status as career or non-career employees, unless specifically authorized by law: Provided, That this provision shall be implemented for fiscal year 2005 without regard to the requirements of section 5383 of title 5, United States Code: Provided further, That no employee of the Department of Defense shall have his or her pay reduced for the purpose of complying with the requirements of this provision.

INDUSTRIAL MOBILIZATION CAPACITY

SEC. 1123. Of the amounts appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, $12,500,000 shall be available only for industrial mobilization capacity at Rock Island Arsenal.

EXTENSION OF PERIOD OF TEMPORARY CONTINUATION OF BASIC ALLOWANCE FOR HOUSING FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY

SEC. 1124. Section 403(l) of title 37, United States Code, is amended by striking ''180 days'' each place it appears and inserting ''365 days''.

SENSE OF SENATE ON TREATMENT OF CERTAIN VETERANS UNDER REPEAL OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS DISABILITY COMPENSATION

SEC. 1125. It is the sense of the Senate that any veteran with a service-connected disability rated as total by virtue of having been deemed unemployable who otherwise qualifies for treatment as a qualified retiree for purposes of section 1414 of title 10, United States Code, should be entitled to treatment as qualified retiree receiving veterans disability compensation for a disability rated as 100 percent for purposes of the final clause of subsection (a)(1) of such section, as amended by section 642 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1957), and thus entitled to payment of both retired pay and veterans' disability compensation under such section 1414 commencing as of January 1, 2005.

SEC. 1126. BENEFITS FOR MEMBERS OF THE ARMED FORCES RECUPERATING FROM INJURIES INCURRED IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM. (a) PROHIBITION ON CHARGES FOR MEALS.—

(1) PROHIBITION.—A member of the Armed Forces entitled to a basic allowance for subsistence under section 402 of title 37, United States Code, who is undergoing medical recuperation or therapy, or is otherwise in the status of ''medical hold'', in a military treatment facility for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom shall not, during any month in which so entitled, be required to pay any charge for meals provided such member by the military treatment facility.

(2) EFFECTIVE DATE.—The limitation in paragraph (1) shall take effect on January 1, 2005, and shall apply with respect to meals provided members of the Armed Forces as described in that paragraph on or after that date.

(b) TELEPHONE BENEFITS.—

(1) PROVISION OF ACCESS TO TELEPHONE SERVICE.—The Secretary of Defense shall provide each member of the Armed Forces who is undergoing in any month medical recuperation or therapy, or is otherwise in the status of ''medical hold'', in a military treatment facility for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom access to telephone service at or through such military treatment facility in an amount for such month equivalent to the amount specified in paragraph (2).

(2) MONTHLY AMOUNT OF ACCESS.—The amount of access to telephone service provided a member of the Armed Forces under paragraph (1) in a month shall be the number of calling minutes having a value equivalent to $40.

(3) ELIGIBILITY AT ANY TIME DURING MONTH.—A member of the Armed Forces who is eligible for the provision of telephone service under this subsection at any time during a month shall be provided access to such service during such month in accordance with that paragraph, regardless of the date of the month on which the member first becomes eligible for the provision of telephone service under this subsection.

(4) USE OF EXISTING RESOURCES.—In carrying out this subsection, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private organizations, or other private entities offering free or reduced-cost telecommunications services.

(5) COMMENCEMENT.—

(A) IN GENERAL.—This subsection shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

(B) EXPEDITED PROVISION OF ACCESS.—The Secretary shall commence the provision of access to telephone service under this subsection as soon as practicable after the date of the enactment of this Act.

(6) TERMINATION.—The Secretary shall cease the provision of access to telephone service under this subsection on the date this is 60 days after the later of—

(A) the date, as determined by the Secretary, on which Operation Enduring Freedom terminates; or

(B) the date, as so determined, on which Operation Iraqi Freedom terminates.

PROHIBITION ON IMPLEMENTATION OF CERTAIN ORDERS AND GUIDANCE ON FUNCTIONS AND DUTIES OF GENERAL COUNSEL AND JUDGE ADVOCATE GENERAL OF THE AIR FORCE

SEC. 1127. No funds appropriated or otherwise made available by this Act, or any other Act, may be obligated or expended to implement or enforce either of the following:

(1) The order of the Secretary of the Air Force dated May 15, 2003, and entitled ''Functions and Duties of the General Counsel and the Judge Advocate General''.

(2) Any internal operating instruction or memorandum issued by the General Counsel of the Air Force in reliance upon the order referred to in paragraph (1).

SEC. 1128. IMPLEMENTATION OF MISSION CHANGES AT SPECIFIC VETERANS HEALTH ADMINISTRATION FACILITIES. (a) IN GENERAL.—Section 414 of the Veterans Health Programs Improvement Act of 2004, is amended by adding at the end the following:

''(h) DEFINITION.—In this section, the term 'medical center' includes any outpatient clinic.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Veterans Health Programs Improvement Act of 2004 (Public Law 108–422).

RE-USE AND REDEVELOPMENT OF CLOSED OR REALIGNED MILITARY INSTALLATIONS

SEC. 1129. (a) In order to assist communities with preparations for the results of the 2005 round of defense base closure and realignment, and consistent with assistance provided to communities by the Department of Defense in previous rounds of base closure and realignment, the Secretary of Defense shall, not later than July 15, 2005, submit to the congressional defense committees a report on the processes and policies of the Federal Government for disposal of property at military installations proposed to be closed or realigned as part of the 2005 round of base closure and realignment, and the assistance available to affected local communities for re-use and redevelopment decisions.

(b) The report under subsection (a) shall include—

(1) a description of the processes of the Federal Government for disposal of property at military installations proposed to be closed or realigned;

(2) a description of Federal Government policies for providing re-use and redevelopment assistance;

(3) a catalogue of community assistance programs that are provided by the Federal Government related to the re-use and redevelopment of closed or realigned military installations;

(4) a description of the services, policies, and resources of the Department of Defense that are available to assist communities affected by the closing or realignment of military installations as a result of the 2005 round of base closure and realignment;

(5) guidance to local communities on the establishment of local redevelopment authorities and the implementation of a base redevelopment plan; and

(6) a description of the policies and responsibilities of the Department of Defense related to environmental clean-up and restoration of property disposed by the Federal Government.

REQUESTS FOR FUTURE FUNDING FOR MILITARY OPERATIONS IN AFGHANISTAN AND IRAQ

SEC. 1130. (a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense Appropriations Act, 2004 (Public Law 108–87) and the Department of Defense Appropriations Act, 2005 (Public Law 108–287) each contain a sense of the Senate provision urging the President to provide in the annual budget requests of the President for a fiscal year under section 1105(a) of title 31, United States Code, an estimate of the cost of ongoing military operations in Iraq and Afghanistan in such fiscal year.

(2) The budget for fiscal year 2006 submitted to Congress by the President on February 7, 2005, requests no funds for fiscal year 2006 for ongoing military operations in Iraq or Afghanistan.

(3) According to the Congressional Research Service, there exists historical precedent for including the cost of ongoing military operations

in the annual budget requests of the President following initial funding for such operations by emergency or supplemental appropriations Acts, including—

(A) funds for Operation Noble Eagle, beginning in the budget request of President George W. Bush for fiscal year 2005;

(B) funds for operations in Kosovo, beginning in the budget request of President George W. Bush for fiscal year 2001;

(C) funds for operations in Bosnia, beginning in budget request of President Clinton for fiscal year 1997;

(D) funds for operations in Southwest Asia, beginning in the budget request of President Clinton for fiscal year 1997;

(E) funds for operations in Vietnam, beginning in the budget request of President Johnson for fiscal year 1966; and

(F) funds for World War II, beginning in the budget request of President Roosevelt for fiscal year 1943.

(4) The Senate has included in its version of the fiscal year 2006 budget resolution, which was adopted by the Senate on March 17, 2005, a reserve fund of $50,000,000,000 for overseas contingency operations, but the determination of that amount could not take into account any Administration estimate on the projected cost of such operations in fiscal year 2006.

(5) In February 2005, the Congressional Budget Office estimated that fiscal year 2006 costs for ongoing military operations in Iraq and Afghanistan could total $65,000,000,000.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) the President should submit to Congress, not later than September 1, 2005, an amendment to the budget of the President for fiscal year 2006 that was submitted to Congress under section 1105(a) of title 31, United States Code, setting forth detailed cost estimates for ongoing military operations overseas during such fiscal year; and

(3) any funds provided for a fiscal year for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

(c) ADDITIONAL REQUIREMENTS FOR CERTAIN REPORTS.—(1) Each semiannual report to Congress required under a provision of law referred to in paragraph (2) shall include, in addition to the matters specified in the applicable provision of law, the following:

(A) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Enduring Freedom.

(B) A statement of the cumulative total of all amounts obligated, and of all amounts expended, as of the date of such report for Operation Iraqi Freedom.

(C) An estimate of the reasonably foreseeable costs for ongoing military operations to be incurred during the 12-month period beginning on the date of such report.

(2) The provisions of law referred to in this paragraph are as follows:

(A) Section 1120 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1219; 10 U.S.C. 113 note).

(B) Section 9010 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1008; 10 U.S.C. 113 note).

REPORTS ON IRAQI SECURITY FORCES

SEC. 1131. Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit an unclassified report to Congress, which may include a classified annex, that includes a description of the following:

(1) The extent to which funding appropriated by this Act will be used to train and equip capable and effectively led Iraqi security services and promote stability and security in Iraq.

(2) The estimated strength of the Iraqi insurgency and the extent to which it is composed of non-Iraqi fighters, and any changes over the previous 90-day period.

(3) A description of all militias operating in Iraq, including their number, size, strength, military effectiveness, leadership, sources of external support, sources of internal support, estimated types and numbers of equipment and armaments in their possession, legal status, and the status of efforts to disarm, demobilize, and reintegrate each militia.

(4) The extent to which recruiting, training, and equipping goals and standards for Iraqi security forces are being met, including the number of Iraqis recruited and trained for the army, air force, navy, and other Ministry of Defense forces, police, and highway patrol of Iraq, and all other Ministry of Interior forces, and the extent to which personal and unit equipment requirements have been met.

(5) A description of the criteria for assessing the capabilities and readiness of Iraqi security forces.

(6) An evaluation of the operational readiness status of Iraqi military forces and special police, including the type, number, size, and organizational structure of Iraqi battalions that are—

(A) capable of conducting counterinsurgency operations independently;

(B) capable of conducting counterinsurgency operations with United States or Coalition mentors and enablers; or

(C) not ready to conduct counterinsurgency operations.

(7) The extent to which funding appropriated by this Act will be used to train capable, well-equipped, and effectively led Iraqi police forces, and an evaluation of Iraqi police forces, including—

(A) the number of police recruits that have received classroom instruction and the duration of such instruction;

(B) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(C) the number of police candidates screened by the Iraqi Police Screening Service screening project, the number of candidates derived from other entry procedures, and the overall success rates of those groups of candidates;

(D) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(E) a description of the field training program, including the number, the planned number, and nationality of international field trainers;

(F) the number of police present for duty;

(G) data related to attrition rates; and

(H) a description of the training that Iraqi police have received regarding human rights and the rule of law.

(8) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by the Coalition Forces, including defending Iraq's borders, defeating the insurgency, and providing law and order.

(9) The extent to which funding appropriated by this Act will be used to train Iraqi security forces in counterinsurgency operations and the estimated total number of Iraqi security force personnel expected to be trained, equipped, and capable of participating in counterinsurgency operations by the end of 2005 and of 2006.

(10) The estimated total number of adequately trained, equipped, and led Iraqi battalions expected to be capable of conducting counterinsurgency operations independently and the estimated total number expected to be capable of conducting counterinsurgency operations with United States or Coalition mentors and enablers by the end of 2005 and of 2006.

(11) An assessment of the effectiveness of the chain of command of the Iraqi military.

(12) The number and nationality of Coalition mentors and advisers working with Iraqi security forces as of the date of the report, plans for decreasing or increasing the number of such mentors and advisers, and a description of their activities.

(13) A list of countries of the North Atlantic Treaty Organisation (''NATO'') participating in the NATO mission for training of Iraqi security forces and the number of troops from each country dedicated to the mission.

(14) A list of countries participating in training Iraqi security forces outside the NATO training mission and the number of troops from each country dedicated to the mission.

(15) For any country, which made an offer to provide forces for training that has not been accepted, an explanation of the reasons why the offer was not accepted.

(16) For offers to provide forces for training that have been accepted by the Iraqi government, a report on the status of such training efforts, including the number of troops involved by country and the number of Iraqi security forces trained.

(17) An assessment of the progress of the National Assembly of Iraq in drafting and ratifying the permanent constitution of Iraq, and the performance of the new Iraqi Government in its protection of the rights of minorities and individual human rights, and its adherence to common democratic practices.

(18) The estimated number of United States military forces who will be needed in Iraq 6, 12, and 18 months from the date of the report.

REPORT ON IMPLEMENTATION OF POST DEPLOYMENT STAND-DOWN PROGRAM BY ARMY NATIONAL GUARD

SEC. 1132. Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report containing the assessment of the Secretary of the feasibility and advisability of implementing for the Army National Guard a program similar to the Post Deployment Stand-Down Program of the Air National Guard. The Secretary of the Army shall prepare the assessment in consultation with the Secretary of the Air Force.

AIRCRAFT CARRIERS OF THE NAVY

SEC. 1133. (a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amount appropriated to the Department of the Navy by this Act, necessary funding will be made available for such repair and maintenance of the U.S.S. John F. Kennedy as the Navy considers appropriate to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—No funds appropriated or otherwise made available by this Act may be obligated or expended to reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following:

(1) The date that is 180 days after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(2) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that such agreements have been entered into to provide port facilities for the permanent forward deployment of such numbers of aircraft carriers as are necessary in the Pacific Command Area of Responsibility to fulfill the roles and missions of that Command, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two conventional aircraft carriers.

(c) ACTIVE AIRCRAFT CARRIERS.—For purposes of this section, an active aircraft carrier of the

Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routing or scheduled maintenance.

SENSE OF THE SENATE ON SILICON CARBIDE POWDERS PRODUCTION

SEC. 1134. SENSE OF THE SENATE. It is the sense of the Senate that the Department of Defense should provide funding sufficient, but not less than $5,000,000, under the Defense Production Act Title III to increase the domestic manufacturing capability to produce silicon carbide powders for use in the production of ceramic armor plates for armored vehicles, personal body armor systems, and other armor needs.

PROCURING RAPID WALL BREACHING KITS

SEC. 1135. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) the Department of Defense should allocate sufficient funding, but not less than $5,000,000, in fiscal year 2005 to procure Rapid Wall Breaching Kits for use in operation Iraqi Freedom, Operation Enduring Freedom, and other uses;

(2) the Department of Defense should submit to Congress an amendment to the proposed fiscal year 2006 budget to procure sufficient Rapid Wall Breaching Kits for use in Operation Iraqi Freedom, Operation Enduring Freedom, and other uses in fiscal year 2006; and

(3) the Department of Defense should include in its budget requests for fiscal year 2007 and beyond funds to procure sufficient Rapid Wall Breaching Kits for use in Operation Iraqi Freedom, Operation Enduring Freedom, and other uses.

TUITION ASSISTANCE PROGRAMS OF THE ARMY RESERVE

SEC. 1136. (a) It is the sense of the Senate that the amount appropriated by this chapter under the heading ''OPERATION AND MAINTENANCE, ARMY RESERVE'' may be increased by $17,600,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading ''OPERATION AND MAINTENANCE, ARMY RESERVE'', as increased by subsection (a), $17,600,000 may be available for tuition assistance programs for members of the Army Reserve as authorized by law.

SENSE OF SENATE ON FUNDING FOR VACCINE HEALTH CARE CENTERS

SEC. 1137. It is the sense of the Senate that, of the amount appropriated or otherwise made available by this chapter under the heading ''DEFENSE HEALTH PROGRAM'', not less than $6,000,000 should be available for the Vaccine Health Care Centers.

DEPLOYMENT OF WARLOCK SYSTEMS AND OTHER FIELD JAMMING SYSTEMS

SEC. 1138. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) $60,000,000 may be made available for the rapid deployment of Warlock and other field jamming systems; and

(2) in conference, the Senate should recede to the House position.

TRAVEL FOR FAMILY OF MEMBERS OF THE ARMED FORCES HOSPITALIZED IN UNITED STATES IN CONNECTION WITH CERTAIN NON-SERIOUS ILLNESSES OR INJURIES

SEC. 1139. (a) AUTHORITY.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting ''and'' at the end of subparagraph (A); and

(B) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) either—

''(i) is seriously ill, seriously injured, or in a situation of imminent death (whether or not electrical brain activity still exists or brain death is declared), and is hospitalized in a medical facility in or outside the United States; or

''(ii) is not described in clause (i), but has an injury incurred in an operation or area designated as a combat operation or combat zone, respectively, by the Secretary of Defense under section 1967(e)(1)(A) of title 38 and is hospitalized in a medical facility in the United States for treatment of that injury.''; and

(2) by adding at the end the following new paragraph:

''(3) Not more than one roundtrip may be provided to a family member under paragraph (1) on the basis of clause (ii) of paragraph (2)(B).''.

(b) CONFORMING AMENDMENTS.—

(1) HEADING FOR AMENDED SECTION.—The heading for section 411h of such title is amended to read as follows:

''§411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

''411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members.''.

(c) FUNDING.—Funds for the provision of travel in fiscal year 2005 under section 411h of title 37, United States Code, by reason of the amendments made by this section shall be derived as follows:

(1) In the case of travel provided by the Department of the Army, from amounts appropriated for fiscal year 2005 by this Act and the Department of Defense Appropriations Act, 2005 (Public Law 108–287) for the Military Personnel, Army account.

(2) In the case of travel provided by the Department of the Navy, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Navy account.

(3) In the case of travel provided by the Department of the Air Force, from amounts appropriated for fiscal year 2005 by the Acts referred to in paragraph (1) for the Operation and Maintenance, Air Force account.

(d) REPORT ON TRAVEL IN EXCESS OF CERTAIN LIMIT.—If in any fiscal year the amount of travel provided in such fiscal year under section 411h of title 37, United States Code, by reason of the amendments made by this section exceeds $20,000,000, the Secretary of Defense shall submit to the congressional defense committees a report on that fact, including the total amount of travel provided in such fiscal year under such section 411h by reason of the amendments made by this section.

PROHIBITION ON TERMINATION OF EXISTING JOINT-SERVICE MULTIYEAR PROCUREMENT CONTRACT FOR C/KC–130J AIRCRAFT

SEC. 1140. No funds in this Act may be obligated or expended to terminate the joint service multiyear procurement contract for C/KC–130J aircraft that is in effect on the date of the enactment of this Act.

UP-ARMORED HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLES

SEC. 1141. (a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount appropriated by this chapter under the heading ''OTHER PROCUREMENT, ARMY'' is hereby increased by $213,000,000, with the amount of such increase designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by this chapter under the heading ''OTHER PROCUREMENT, ARMY'', as increased by subsection (a), $213,000,000 shall be available for the procurement of Up-Armored High Mobility Multipurpose Wheeled Vehicles (UAHMMWVs).

(c) REPORTS.—(1) Not later 60 days after the date of the enactment of this Act, and every 60 days thereafter until the termination of Operation Iraqi Freedom, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the current requirements of the Armed Forces for Up-Armored High Mobility Multipurpose Wheeled Vehicles.

(2) Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the most effective and efficient options available to the Department of Defense for transporting Up Armored High Mobility Multipurpose Wheeled Vehicles to Iraq and Afghanistan.

SENSE OF SENATE ON INCREASED PERIOD OF CONTINUED TRICARE COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS

SEC. 1142. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) Congress should enact an amendment to section 1079 of title 10, United States Code, in order to increase the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days under that section such that the period of continued eligibility is the longer of—

(A) the three-year period beginning on the date of death of the member;

(B) the period ending on the date on which the child attains 21 years of age; or

(C) in the case of a child of a deceased member who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of the child's support, the period ending on the earlier—

(i) the date on which the child ceases to pursue such a course of study, as determined by the administering Secretary; or

(ii) the date on which the child attains 23 years of age; and

(2) Congress should make the amendment applicable to deaths of members of the Armed Forces on or after October 7, 2001, the date of the commencement of military operations in Afghanistan.

PERMANENT MAGNET MOTOR

SEC. 1143. It is the sense of the Senate that of the amounts appropriated by this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', $15,000,000 should be made available for the continuing development of the permanent magnet motor.

SENSE OF SENATE ON PROCUREMENT OF MANPORTABLE AIR DEFENSE SYSTEMS

SEC. 1144. It is the sense of the Senate that, of the amounts appropriated by this Act, $32,000,000 may be available to procure MANPAD systems.

SENSE OF SENATE ON MEDICAL SUPPORT FOR TACTICAL UNITS

SEC. 1145. It is the sense of the Senate that, of the amount appropriated by this Act under the heading ''OPERATION AND MAINTENANCE, ARMY'', $11,500,000 should be made available for the replenishment of medical supply and equipment needs within the combat theaters of the Army, including bandages and other blood-clotting supplies that utilize hemostatic, wound-dressing technologies.

CHAPTER 2

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $897,191,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects

not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $107,380,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $140,983,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $470,000,000 to remain available until expended: Provided, That from this amount, to the maximum extent possible, funding shall be restored to the previously approved fiscal year 2005 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: Provided further, That of the funds provided under this heading, $12,000,000 shall be available to carry out programs under the Food for Progress Act of 1985: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $767,200,000, to remain available until September 30, 2006, of which $10,000,000 is provided for security requirements in the detection of explosives: Provided, That of the funds appropriated under this heading, not less than $250,000 shall be made available for programs to assist Iraqi and Afghan scholars who are in physical danger to travel to the United States to engage in research or other scholarly activities at American institutions of higher education: Provided further, That of the funds appropriated under this heading, $17,200,000 should be made available for the Office of the Coordinator for Reconstruction and Stabilization: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $592,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $680,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for activities related to broadcasting to the broader Middle East, $4,800,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for ''Broadcasting Capital Improvements'' for capital improvements related to broadcasting to the broader Middle East, $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $44,000,000, to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan: Provided, That these funds may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TRANSITION INITIATIVES

For an additional amount for ''Transition Initiatives'', $63,000,000, to remain available until expended, for necessary international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, to support transition to democracy and the long-term development of Sudan: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That of the funds appropriated under this heading, not less than $2,500,000 shall be made available for criminal case management, case tracking, and the reduction of pre-trial detention in Haiti, notwithstanding any other provision of law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $24,400,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Economic Support Fund'', $1,636,300,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, $200,000,000 should be made available for programs, activities, and efforts to support Palestinians, of which $50,000,000 should be made available for assistance for Israel to help ease the movement of Palestinian people and goods in and out of Israel: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for assistance for displaced persons in Afghanistan: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 should be made available to support Afghan women's organizations that work to defend the legal rights of women and to increase women's political participation: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 should be made available for assistance for families and communities of Afghan civilians who have suffered losses as a result of the military operations: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for programs and activities to promote democracy, including political party development, in Lebanon and such amount shall be managed by the Bureau of Democracy, Human Rights, and Labor of the Department of State: Provided further, That of the funds appropriated under this heading, up to $10,000,000 may be transferred to the Overseas Private Investment Corporation for the cost of direct and guaranteed loans as authorized by section 234 of the Foreign Assistance Act of 1961: Provided further, That such costs, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for ''Assistance for the Independent States of the Former Soviet Union'' for assistance to Ukraine, $70,000,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, $5,000,000 shall be made available

for democracy programs in Belarus, which shall be administered by the Bureau of Democracy, Human Rights and Labor, Department of State: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available through the United States Agency for International Development for humanitarian, conflict mitigation, and other relief and recovery assistance for needy families and communities in Chechnya, Ingushetia and elsewhere in the North Caucasus: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''International Narcotics Control and Law Enforcement'', $660,000,000, to remain available until September 30, 2007, of which up to $46,000,000 may be transferred to and merged with ''Economic Support Fund'' if the Secretary of State, after consultation with the Committees on Appropriations, determines that this transfer is the most effective and timely use of resources to carry out counternarcotics and reconstruction programs: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $108,400,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, not less than $55,000,000 shall be made available for assistance for refugees in Africa and to fulfill refugee protection goals set by the President for fiscal year 2005: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $32,100,000, to remain available until September 30, 2006, of which not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

GLOBAL WAR ON TERROR PARTNERS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961 for responding to urgent economic support requirements in countries supporting the United States in the Global War on Terror, $25,500,000, to remain available until expended: Provided, That these funds may be used only pursuant to a determination by the President, and after consultation with the Committees on Appropriations, that such use will support the global war on terrorism to furnish economic assistance to partners on such terms and conditions as he may determine for such purposes, including funds on a grant basis as a cash transfer: Provided further, That funds made available under this heading may be transferred by the Secretary of State to other Federal agencies or accounts to carry out the purposes under this heading: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in the Act for the use of economic assistance: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $250,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $210,000,000, to remain available until September 30, 2006, of which $200,000,000 is for military and other security assistance to coalition partners in Iraq and Afghanistan: Provided, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

VOLUNTARY CONTRIBUTION

SEC. 2101. Section 307(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2227), is further amended by striking ''Iraq,''.

REPORTING REQUIREMENT

SEC. 2102. Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress detailing: (1) information regarding the Palestinian security services, including their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities; (2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy unauthorized arms factories, thwart and preempt terrorist attacks, and cooperate with Israel's security services; (3) specific actions taken by the Palestinian Authority to stop incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and to promote peace and coexistence with Israel; (4) specific steps the Palestinian Authority has taken to ensure democracy, the rule of law, and an independent judiciary, and transparent and accountable governance; (5) the Palestinian Authority's cooperation with United States officials in investigations into the late Palestinian leader Yasser Arafat's finances; and (6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors: Provided, That not later than 180 days after enactment of this Act, the President shall submit to the Congress an update of this report: Provided further, That up to $5,000,000 of the funds made available for assistance for the West Bank and Gaza by this chapter under ''Economic Support Fund'' shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of Palestinian Authority accounting procedures and an audit of expenditures by the Palestinian Authority.

(RESCISSION OF FUNDS)

SEC. 2103. The unexpended balance appropriated by Public Law 108–11 under the heading ''Economic Support Fund'' and made available for Turkey is rescinded.

DEMOCRACY EXCEPTION

SEC. 2104. Funds appropriated for fiscal year 2005 under the heading ''Economic Support Fund'' may be made available for democracy and rule of law programs and activities, notwithstanding the provisions of section 574 of division D of Public Law 108–447.

SEC. 2105. The amounts set forth in the eighth proviso in the Diplomatic and Consular Programs appropriation in the fiscal year 2005 Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act (Public Law 108–447, division B) may be subject to reprogramming pursuant to section 605 of that Act.

MARLA RUZICKA IRAQI WAR VICTIMS FUND

SEC. 2106. Of the funds appropriated by chapter 2 of title II of Public Law 108–106 under the heading ''Iraq Relief and Reconstruction Fund'', not less than $30,000,000 should be made available for assistance for families and communities of Iraqi civilians who have suffered losses as a result of the military operations: Provided, That such assistance shall be designated as the ''Marla Ruzicka Iraqi War Victims Fund''.

ASSISTANCE FOR HAITI

SEC. 2107. Of the funds appropriated by title II, chapter 2 of this Act, not less than $20,000,000 shall be made available for assistance for Haiti: Provided, That this assistance should be made available for election assistance, employment and public works projects, and police assistance: Provided further, That the obligation of such funds shall be subject to prior consultation with the Committees on Appropriations.

REPORT ON AFGHAN SECURITY FORCES TRAINING

SEC. 2108. (a) Notwithstanding any other provision of law, not later than 90 days after the date on which the initial obligation of funds made available in this Act for training Afghan security forces, including police, border security guards and members of the Afghan National Army, is made, the Secretary of State, in conjunction with the Secretary of Defense, shall submit to the appropriate congressional committees a report that includes the following:

(1) An assessment of whether the individuals who are providing training to Afghan security forces with assistance provided by the United States have proven records of experience in training law enforcement or security personnel.

(2) A description of the procedures of the Department of State and Department of Defense to ensure that an individual who receives such training—

(A) does not have a criminal background;

(B) is not connected to any criminal or terrorist organization, including the Taliban;

(C) is not connected to drug traffickers; and

(D) meets certain age and experience standards.

(3) A description of the procedures of the Department of State and Department of Defense that—

(A) clearly establish the standards an individual who will receive such training must meet;

(B) clearly establish the training courses that will permit the individual to meet such standards; and

(C) provide for certification of an individual who meets such standards.

(4) A description of the procedures of the Department of State and Department of Defense to ensure the coordination of such training efforts between these two Departments.

(5) A description of the methods that will be used by the Government of Afghanistan to maintain and equip such personnel when such training is completed.

(6) A description of how such training efforts will be coordinated with other training programs being conducted by the governments of other countries or international organizations in Afghanistan.

(b) In this section the term ''appropriate congressional committees'' means the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives.

DARFUR ACCOUNTABILITY

SEC. 2109. (a) It is the sense of the Senate that—

(1) the atrocities unfolding in Darfur, Sudan, have been and continue to be genocide;

(2) the United States should immediately seek passage at the United Nations Security Council of a resolution that—

(A) imposes additional sanctions or additional measures against the Government of Sudan, including sanctions that will affect the petroleum sector in Sudan, individual members of the Government of Sudan, and entities controlled or owned by officials of the Government of Sudan or the National Congress Party in Sudan, that will remain in effect until such time as the Government of Sudan fully complies with all relevant United Nations Security Council resolutions;

(B) establishes a military no-fly zone in Darfur and calls on the Government of Sudan to immediately withdraw all military aircraft from the region;

(C) urges member states to accelerate assistance to the African Union force in Darfur, sufficient to achieve the expanded mandate described in paragraph (5);

(D) calls on the Government of Sudan to cooperate with, and allow unrestricted movement in Darfur by, the African Union force, the United Nations Mission in Sudan (UNMIS), international humanitarian organizations, and United Nations monitors;

(E) extends the embargo of military equipment established by paragraphs 7 through 9 of United Nations Security Council Resolution 1556 and expanded by Security Council Resolution 1591 to include a total prohibition of sale or supply to the Government of Sudan; and

(F) expands the mandate of UNMIS to include the protection of civilians throughout Sudan, including Darfur, and increases the number of UNMIS personnel to achieve such mandate;

(3) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Sudan North-South Peace Agreement, the support of the southern regional government in Sudan, or for humanitarian purposes in Sudan, unless the President certifies and reports to Congress that the Government of Sudan has fully complied with all relevant United Nations Security Council resolutions and the conditions established by the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 118 Stat. 4018);

(4) the President should work with international organizations, including the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union to undertake action as soon as practicable to eliminate the ability of the Government of Sudan to engage in aerial bombardment of civilians in Darfur and establish mechanisms for the enforcement of a no-fly zone in Darfur;

(5) the African Union should extend its mandate in Darfur to include the protection of civilians and proactive efforts to prevent violence;

(6) the President should accelerate assistance to the African Union in Darfur and discussions with the African Union, the European Union, NATO, and other supporters of the African Union force on the needs of the African Union force, including assistance for housing, transportation, communications, equipment, technical assistance such as training and command and control assistance, and intelligence;

(7) the President should appoint a Presidential Envoy for Sudan to support peace, security and stability in Darfur and seek a comprehensive peace throughout Sudan;

(8) United States officials, at the highest levels, should raise the issue of Darfur in bilateral meetings with officials from other members of the United Nations Security Council and other relevant countries, with the aim of passing a United Nations Security Council resolution described in paragraph (2) and mobilizing maximum support for political, financial, and military efforts to stop the genocide in Darfur; and

(9) the United States should actively participate in the UN Committee and the Panel of Experts established pursuant to Security Council Resolution 1591, and work to support the Secretary-General and the United Nations High Commissioner for Human Rights in their efforts to increase the number and deployment rate of human rights monitors to Darfur.

(b)(1) At such time as the United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee the President shall—

(A) submit to the appropriate congressional committees a report listing such names;

(B) determine whether the individuals named by the UN Commission of Inquiry or designated by the UN Committee have committed the acts for which they were named or designated;

(C) except as described under paragraph (2), take such action as may be necessary to immediately freeze the funds and other assets belonging to those named by the UN Commission of Inquiry and those designated by the UN Commission, their family members, and any assets or property that such individuals transferred on or after July 1, 2002, including requiring that any United States financial institution holding such funds and assets promptly report those funds and assets to the Office of Foreign Assets Control; and

(D) except as described under paragraph (2), deny visas and entry to those named by the UN Commission of Inquiry and those designated by the UN Commission, their family members, and anyone the President determines has been, is, or may be planning, carrying out, responsible for, or otherwise involved in crimes against humanity, war crimes, or genocide in Darfur, Sudan.

(2) The President may elect not to take action described in paragraphs (1)(C) and (1)(D) if the President submits to the appropriate congressional committee, a report—

(A) naming the individual or individuals named by the UN Commission of Inquiry or designated by the UN Committee with respect to whom the President has made such election, on behalf of the individual or the individual's family member or associate; and

(B) describing the reasons for such election, and including the determination described in paragraph (1)(B).

(3) Not later than 30 days after United States has access to any of the names of those named by the UN Commission of Inquiry or those designated by the UN Committee, the President shall submit to the appropriate congressional committees notification of the sanctions imposed under paragraphs (1)(C) and (1)(D) and the individuals affected, or the report described in paragraph (2).

(4) Not later than 30 days prior to waiving the sanctions provisions of any other Act with regard to Sudan, the President shall submit to the appropriate congressional committees a report describing the waiver and the reasons for such waiver.

(c)(1) The Secretary of State, in conjunction with the Secretary of Defense, shall report to the appropriate congressional committees on efforts to deploy an African Union force in Darfur, the capacity of such force to stabilize Darfur and protect civilians, the needs of such force to achieve such mission including housing, transportation, communications, equipment, technical assistance, including training and command and control, and intelligence, and the status of United States and other assistance to the African Union force.

(2)(A) The report described in paragraph (1) shall be submitted every 90 days during the 1-year period beginning on the date of the enactment of this Act, or until such time as the President certifies that the situation in Darfur is stable and that civilians are no longer in danger and that the African Union is no longer needed to prevent a resumption of violence and attacks against civilians.

(B) After such 1-year period, and if the President has not made the certification described in subparagraph (A), the report described in paragraph (1) shall be included in the report required under section 8(b) of the Sudan Peace Act (50 U.S.C. 1701 note), as amended by section 5(b) of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 118 Stat. 4018).

(d) In this section:

(1) The term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) The term ''Government of Sudan'' means the National Congress Party-led government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this title.

(3) The term ''member states'' means the member states of the United Nations.

(4) The term ''Sudan North-South Peace Agreement'' means the comprehensive peace agreement signed by the Government of Sudan and the Sudan People's Liberation Army/Movement on January 9, 2005.

(5) The term ''those named by the UN Commission of Inquiry'' means those individuals whose names appear in the sealed file delivered to the Secretary-General of the United Nations by the International Commission of Inquiry on Darfur to the United Nations Security Council.

(6) The term ''UN Committee'' means the Committee of the Security Council established in United Nations Security Council Resolution 1591 (29 March 2005); paragraph 3.

CANDIDATE COUNTRIES

SEC. 2110. Section 616(b)(1) of the Millennium Challenge Act of 2003 (Public Law 108–199) is amended—

(1) by striking ''subparagraphs (A) and (B) of section 606(a)(1)''; and

(2) inserting in lieu thereof ''subsection (a) or (b) of section 606''.

SUDAN

SEC. 2111. Of the funds appropriated in this Act for ''Contributions for International Peacekeeping Activities'', $90,500,000 may be made available for assistance for Darfur, Sudan: Provided, That within these amounts, $50,000,000 may be transferred to ''Peacekeeping Operations'' for support of the efforts of the African Union to halt genocide and other atrocities in Darfur, Sudan: Provided further, That $40,500,000 may be transferred to ''International Disaster and Famine Assistance'' for assistance for Darfur, Sudan and other African countries.

TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR

CHAPTER 1

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $11,935,000, for increased judicial security outside of courthouse facilities, including priority consideration of home intrusion detection systems in the homes of federal judges, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $66,512,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

In addition, notwithstanding any other provision of law, the Federal Bureau of Investigation shall have the authority to execute a lease of up to 160,000 square feet of space for the Terrorist Screening Center within the Washington, D.C. Metropolitan area.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $7,648,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $5,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'', $26,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for ''Defense Nuclear Nonproliferation'', $84,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $276,000,000, of which not less than $11,000,000 shall be available for the costs of increasing by no less than seventy-nine the level of full-time equivalents on board on the date of enactment of this Act: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REDUCTION IN FUNDING FOR DIPLOMATIC AND CONSULAR PROGRAMS

The amount for ''Diplomatic and Consular Programs'' under chapter 2 of title II shall be $357,700,000.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $389,613,000, of which $128,000,000, to remain available until September 30, 2006, shall be available for the enforcement of immigration and customs laws, detention and removal, and investigations, including the hiring of immigration investigators, enforcement agents, and deportation officers, and the provision of detention bed space, and of which the Assistant Secretary for Immigration and Customs Enforcement shall transfer (1) $179,745,000, to Customs and Border Protection, to remain available until September 30, 2006, for ''SALARIES AND EXPENSES'', for the hiring of Border Patrol agents and related mission support expenses and continued operation of unmanned aerial vehicles along the Southwest Border; (2) $67,438,000, to Customs and Border Protection, to remain available until expended, for ''CONSTRUCTION''; (3) $10,471,000, to the Federal Law Enforcement Training Center, to remain available until September 30, 2006, for ''SALARIES AND EXPENSES''; and (4) $3,959,000, to the Federal Law Enforcement Training Center, to remain available until expended, for ''ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES'', for the provision of training at the Border Patrol Academy.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $111,950,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'', $49,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', for hiring border patrol agents, $105,451,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CONSTRUCTION

For an additional amount for ''Construction'', $41,500,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REDUCTION IN FUNDING

The amount appropriated by title II for ''Contributions to International Peacekeeping Activities'' is hereby reduced by $146,951,000 and the total amount appropriated by title II is hereby reduced by $146,951,000.

CHAPTER 4

CAPITOL POLICE

SALARIES

For an additional amount for salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $10,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

EXPENSES

For an additional amount for necessary expenses of the Capitol Police, $13,300,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ARCHITECT OF THE CAPITOL

CAPITOL POLICE BUILDINGS AND GROUNDS

For an additional amount for Capitol Police Buildings and Grounds, $23,000,000, to remain available until September 30, 2010: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

CHAPTER 1

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $7,070,000, to remain available until September 30, 2007, for United States tsunami warning capabilities and operations: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', $10,170,000, to remain available until September 30, 2008, for United States tsunami warning capabilities: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $124,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,800,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference

report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $30,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $29,150,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for ''Overseas Humanitarian, Disaster, and Civic Aid'', $36,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $3,600,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $350,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

DEPARTMENT OF THE INTERIOR

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'', $8,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 5

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

TSUNAMI RECOVERY AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004 and March 2005, and the Avian influenza virus, $656,000,000, to remain available until September 30, 2006: Provided, That these funds may be transferred by the Secretary of State to Federal agencies or accounts for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade Development and Assistance Act of 1954, to accomplish the purposes provided herein: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act, including Public Law 480 Title II grants: Provided further, That of the amounts provided herein: up to $10,000,000 may be transferred to and consolidated with ''Development Credit Authority'' for the cost of direct loans and loan guarantees as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961 in furtherance of the purposes of this heading; up to $20,000,000 may be transferred to and consolidated with ''Operating Expenses of the United States Agency for International Development'', of which up to $2,000,000 may be used for administrative expenses to carry out credit programs administered by the United States Agency for International Development in furtherance of the purposes of this heading; up to $100,000,000 may be transferred to and consolidated with ''Operating Expenses of the United States Agency for International Development Office of Inspector General''; and up to $5,000,000 may be transferred to and consolidated with ''Emergencies in the Diplomatic and Consular Service'' for the purpose of providing support services for United States citizen victims and related operations: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for environmental recovery activities in tsunami affected countries: Provided further, That of the funds appropriated under this heading, not less than $10,000,000 should be made available for programs and activities which create new economic opportunities for women: Provided further, That of the funds appropriated under this heading, not less than $12,000,000 should be made available for programs to address the needs of people with physical and mental disabilities resulting from the tsunami: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 should be made available to support initiatives that focus on the immediate and long-term needs of children for protection and permanency, including the registration of unaccompanied children, the reunification of children with their immediate or extended families, assistance to improve the capacity of governments and appropriate private entities to facilitate domestic and international adoption of orphaned children, the protection of women and children from violence and exploitation, and activities designed to prevent the capture of children by armed forces and promote the integration of war affected youth: Provided further, That of the funds appropriated under this heading, not less that $20,000,000 should be made available for microcredit programs in countries affected by the tsunami, to be administered by the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for programs to prevent the spread of the Avian influenza virus, to be administered by the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, $1,500,000 shall be made available for trafficking in persons monitoring and prevention programs and activities in tsunami affected countries: Provided further, That funds appropriated under this heading shall be made subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the President is hereby authorized to defer and reschedule for such period as he may deem appropriate any amounts owed to the United States or any agency of the United States by those countries significantly affected by the tsunami and earthquakes of December 2004, including the Republic of Indonesia, the Republic of Maldives and the Democratic Socialist Republic of Sri Lanka: Provided further, That of the funds appropriated under this heading, up to $45,000,000 may be made available for the modification costs, as defined in section 502 of the Congressional Budget Act of 1974, if any, associated with any deferral and rescheduling authorized under this heading: Provided further, That such amounts shall not be considered ''assistance'' for the purposes of provisions of law limiting assistance to any such affected country: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

ANNUAL LIMITATION

SEC. 4501. Amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2292a), to address relief and rehabilitation needs for countries affected by the Indian Ocean tsunami and earthquakes of December 2004 and March 2005, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.

AUTHORIZATION OF FUNDS

SEC. 4502. Funds appropriated by this chapter and chapter 2 of title II may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), section 10 of Public Law 91–672 (22 U.S.C. 2412), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

TITLE V—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For an additional amount for ''Research and Education Activities'' to provide a grant to the University of Hawaii to partially offset the cost of damages to the research and educational resources of the College of Tropical Agriculture and Human Resources incurred as a result of the catastrophic flood that occurred on October 30, 2004, as authorized by law, $3,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair damages to the waterways and watersheds resulting from natural disasters, $103,000,000, to remain available until expended: Provided, That of the amount provided, no less than $66,000,000 shall be for eligible work in the State of Utah: Provided further, That notwithstanding any other provision of law, the Secretary of Agriculture shall count local financial and technical resources, including in-kind materials and services, contributed toward recovery from the flooding events of January 2005 in Washington County, Utah, toward local matching requirements for the emergency watershed protection program assistance provided to Washington County, Utah: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

RURAL HOUSING SERVICE

SEC. 5101. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may transfer any unobligated amounts made available under the heading ''Rural Housing Service'', ''Rural Housing Insurance Fund Program Account'' in chapter 1 of title II of Public Law 106–246 (114 Stat. 540) to the Rural Housing Service ''Rental Assistance Program'' account for projects in North Carolina: Provided, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RURAL HOUSING ASSISTANCE GRANTS

SEC. 5102. The Secretary of Agriculture shall consider the Village of New Miami (Ohio) to be eligible for loans and grants provided through the Rural Housing Assistance Grants program.

NATURAL RESOURCES CONSERVATION SERVICE

SEC. 5103. (a) Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to carry out measures (including research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works, and changes in the use of land) to prevent damage to the Manoa watershed in Hawaii.

(b) There is hereby appropriated $15,000,000, to remain available until expended, to carry out provisions of subsection (a): Provided, That the amounts provided under this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

WATERSHED PROJECTS IN WEST VIRGINIA

SEC. 5104. Of the amount provided to the Secretary of Agriculture under the Consolidated Appropriations Act, 2005 (Public Law 108–447) for the Lost River Watershed project, West Virginia, $4,000,000 may be transferred to the Upper Tygart Watershed project, West Virginia, to be used under the same terms and conditions under which funds for that project were appropriated in section 735 of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 36).

FARM SERVICE AGENCY

SEC. 5105. The funds made available in section 786 of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 as contained in division A of the Consolidated Appropriations Act, 2005 (Public Law 108–447) may be applied to accounts of Alaska dairy farmers owed to the Secretary of Agriculture.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for ''Departmental Management'', $3,000,000 to support deployment of business systems to the bureaus and offices of the Department of the Interior, including the Financial and Business Management System: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for ''National Forest System'' to pay necessary expenses of the Forest Service to restore land and facilities in the State of California damaged by torrential rainfall during fiscal year 2005, $2,410,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for ''Capital Improvement and Maintenance'' to pay necessary expenses of the Forest Service to construct, repair, decommission, and maintain forest roads and trails in the Angeles National Forest, Cleveland National Forest, Los Padres National Forest, and San Bernardino National Forest, $31,980,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING RESCISSIONS OF FUNDS)

For an additional amount for the ''Public Health and Social Services Emergency Fund'' in title II of Public Law 108–447, $10,000,000, to remain available until expended, for infrastructure grants to improve the supply of domestically produced vaccine: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): Provided further, That under the heading ''Health Resources and Services Administration, Health Resources and Services'', the unobligated balance for the Health Professions Teaching Facilities Program authorized in sections 726 and 805 of the Public Health Service Act; the unobligated balance of the Health Teaching Construction Interest Subsidy Program authorized in section 726 and title XVI of the Public Health Service Act; and the unobligated balance of the AIDS Facilities Renovation and Support Program authorized in title XVI of the Public Health Service Act are all hereby rescinded: Provided further, That under the heading ''Office of the Secretary, Office of the Inspector General'', the unobligated balance of the Medicaid Fraud Control Program authorized in section 1903 of the Social Security Act and appropriated to the Office of the Inspector General in the Department of Health and Human Services is hereby rescinded: Provided further, That under the heading ''Assistant Secretary for Health Scientific Activities Overseas (Special Foreign Currency Program)'' the unobligated balance of the Scientific Activities Overseas (Special Foreign Currency Program) account within the Department of Health and Human Services is hereby rescinded.

RELATED AGENCY

INSTITUTE OF MUSEUM LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For an additional amount for the ''Institute of Museum and Library Services, Office of Museum and Library Services: Grants and Administration'', $10,000,000, to be available until expended, for the Hamilton Library at the University of Hawaii at Manoa, including replacing the collections at the regional federal depository library: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Salaries and Expenses, Courts of Appeals, District Courts and Other Judicial Services'' for unforeseen costs associated with increased immigration-related filings, recent Supreme Court decisions, and recently enacted legislation, $65,000,000, to remain available until September 30, 2006: Provided, That notwithstanding section 302 of division B of Public Law 108–477, such sums shall be available for transfer to accounts within the Judiciary subject to section 605 of said Act: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 108–447, $238,080,000 are rescinded.

For an additional amount for ''Housing for Persons with Disabilities'', $238,080,000, to remain available until September 30, 2006: Provided, That these funds shall be available under the same terms and conditions as authorized for funds under this heading in Public Law 108–447.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Office of Federal Housing Enterprise Oversight'' for carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $5,000,000 to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISION, THIS CHAPTER

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 5401. (a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall make a grant to the University of Hawaii to cover unreimbursed expenses associated with costs resulting from the catastrophic flood that occurred on October 30, 2004.

(b) There is hereby appropriated $10,000,000, to remain available until expended, to carry out provisions of subsection (a): Provided, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

AVAILABILITY OF FUNDS

SEC. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

TRANSFER AUTHORITY—DEPARTMENT OF JUSTICE

SEC. 6002. Notwithstanding section 106 of title I of division B of Public Law 108–447, the Department of Justice may transfer funds from any Department of Justice account, except ''Buildings and Facilities, Federal Prison System'' and ''Office of Justice Programs'' accounts, to the ''Detention Trustee'' account: Provided, That the notification requirement in section 605 of title VI of division B of Public Law 108–447 shall apply to any such transfers.

SPACE CONSIDERATIONS—FEDERAL BUREAU OF INVESTIGATION

SEC. 6003. Notwithstanding any other provision of law, the Special Technologies and Application Section within the Federal Bureau of Investigation shall have the authority to use existing resources to acquire, renovate, and occupy up to 175,000 square feet of additional facility space within its immediate surrounding area.

TECHNICAL CORRECTIONS—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FISCAL YEAR 2005

SEC. 6004. The referenced statement of managers under the heading ''National Oceanic and Atmospheric Administration'' in title II of division B of Public Law 108–447 is deemed to be amended after ''Bonneau Ferry, SC'' by striking ''20,000'' and inserting ''19,200'': Provided, That these amounts are available for transfer to ''Response and Restoration Base''.

SEC. 6005. The referenced statement of managers under the heading ''National Oceanic and Atmospheric Administration'' in title II of division B of Public Law 108–447 is deemed to be amended under the heading ''Construction/Acquisition, Coastal and Estuarine Land Conservation Program'' by striking ''Tonner Canyon, CA'' and inserting ''Tolay Lake, Sonoma County, CA''.

SEC. 6006. The referenced statement of managers under the heading ''National Oceanic and Atmospheric Administration'' in title II of division B of Public Law 108–447 is deemed to be amended under the heading ''Construction/Acquisition, Coastal and Estuarine Land Conservation Program'' by striking ''Port Aransas Nature Preserve Wetlands Project, TX—3,000'' and under the heading ''Section 2 (FWCA) Coastal/Estuarine Land Acquisition'' by inserting ''Port Aransas Nature Preserve Wetlands Project, TX—3,000''.

LOCAL BUDGET AUTHORITY FOR THE DISTRICT OF COLUMBIA

SEC. 6007. The District of Columbia Appropriations Act, 2005 (Public Law 108–335) approved October 18, 2004, is amended as follows:

(1) Section 331 is amended as follows:

(A) in the first sentence by striking ''$15,000,000'' and inserting ''$42,000,000, to remain available until expended,'' in its place, and

(B) by amending subsection (5) to read as follows:

''(5) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.''.

(2) By inserting a new section before the short title at the end to read as follows:

''SEC. 348. The amount appropriated by this Act may be increased by an additional amount of $206,736,000 (including $49,927,000 from local funds and $156,809,000 from other funds) to be transferred by the Mayor of the District of Columbia to the various headings under this Act as follows:

''(1) $174,927,000 (including $34,927,000 from local funds and $140,000,000 from other funds) shall be transferred under the heading 'Government Direction and Support': Provided, That of the funds, $33,000,000 from local funds shall remain available until expended: Provided further, That of the funds, $140,000,000 from other funds shall remain available until expended and shall only be available in conjunction with revenue from a private or alternative financing proposal approved pursuant to section 106 of DC Act 15–717, the 'Ballpark Omnibus Financing and Revenue Act of 2004' approved by the District of Columbia, December 29, 2004, and

''(2) $15,000,000 from local funds shall be transferred under the heading 'Repayment of Loans and Interest', and

''(3) $14,000,000 from other funds shall be transferred under the heading 'Sports and Entertainment Commission', and

''(4) $2,809,000 from other funds shall be transferred under the heading 'Water and Sewer Authority'.''.

DE SOTO COUNTY, MISSISSIPPI

SEC. 6008. Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) is amended by striking ''$20,000,000'' and inserting ''$55,000,000'' in lieu thereof, and by striking ''treatment'' and inserting ''infrastructure'' in lieu thereof.

SEC. 6009. The Secretary is authorized and directed to reimburse the non-Federal local sponsor of the project described in section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) for costs incurred between May 13, 2002 and September 30, 2005 in excess of the required non-Federal share if the Secretary determines that such costs were incurred for work that is compatible with and integral to the project: Provided, That the non-Federal local sponsor, at its option, may choose to accept, in lieu of reimbursement, a credit against the non-Federal share of project costs incurred after May 13, 2002.

FORT PECK FISH HATCHERY, MONTANA

SEC. 6010. Section 325(f)(1)(A) of Public Law 106–541 is modified by striking ''$20,000,000'' and inserting in lieu thereof ''$25,000,000''.

ALI WAI CANAL, HAWAII

SEC. 6011. For an amount from within available funds from ''General Investigations'' for the expansion of studies necessitated by severe flooding, up to $1,800,000, to remain available until expended.

INTERCOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, SR–1 BRIDGE, DELAWARE

SEC. 6012. The first proviso under the heading ''Operation and Maintenance'' in title I of division C of Public Law 108–447 is amended by striking ''October 1, 2003, and September 30, 2004'' and inserting ''October 1, 2004, and September 30, 2005''.

OFFSHORE OIL AND GAS FABRICATION PORTS

SEC. 6013. In determining the economic justification for navigation projects involving offshore oil and gas fabrication ports, the Secretary of the Army, acting through the Chief of Engineers, is directed to measure and include in the National Economic Development calculation the value of future energy exploration and production fabrication contracts and transportation cost savings that would result from larger navigation channels.

MC CLELLAN KERR NAVIGATION SYSTEM ADVANCED OPERATION AND MAINTENANCE

SEC. 6014. The last proviso under the heading ''Operation and Maintenance'' in title I of division C of Public Law 108–447 is amended by striking ''Public Law 108–357'' and inserting ''Public Law 108–137''.

SILVERY MINNOW OFF-CHANNEL SANCTUARIES

SEC. 6015. The Secretary of the Interior is authorized to perform such analyses and studies as needed to determine the viability of establishing an off-channel sanctuary for the Rio Grande Silvery Minnow in the Middle Rio Grande Valley. In conducting these studies, the Secretary shall take into consideration:

(1) providing off-channel, naturalistic habitat conditions for propagation, recruitment, and maintenance of Rio Grande silvery minnows; and

(2) minimizing the need for acquiring water or water rights to operate the sanctuary.

If the Secretary determines the project to be viable, the Secretary is further authorized to design and construct the sanctuary and to thereafter operate and maintain the sanctuary. The Secretary may enter into grant agreements, cooperative agreements, financial assistance agreements, interagency agreements, and contracts with Federal and non-Federal entities to carry out the purposes of this Act.

DESALINATION ACT EXTENSION

SEC. 6016. Section 8 of Public Law 104–298 (The Water Desalination Act of 1996) (110 Stat. 3624) as amended by section 210 of Public Law 108–7 (117 Stat. 146) is amended by—

(1) in paragraph (a) by striking ''2004'' and inserting in lieu thereof ''2009''; and

(2) in paragraph (b) by striking ''2004'' and inserting in lieu thereof ''2009''.

AGRICULTURAL AND NATURAL RESOURCES OF THE WALKER RIVER BASIN

SEC. 6017. (a)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary of the Interior (referred to in this section as the ''Secretary''), acting through the Commissioner of Reclamation, shall provide not more than $850,000 to pay the State of Nevada's share of the costs for the Humboldt Project conveyance required under—

(A) title VIII of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2016); and

(B) section 217(a)(3) of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1853).

(2) Amounts provided under paragraph (1) may be used to pay—

(A) administrative costs;

(B) the costs associated with complying with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(C) real estate transfer costs.

(b)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary shall provide not more than $70,000,000 to the University of Nevada—

(A) to acquire from willing sellers land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada; and

(B) to establish and administer an agricultural and natural resources center, the mission of which shall be to undertake research, restoration, and educational activities in the Walker River Basin relating to—

(i) innovative agricultural water conservation;

(ii) cooperative programs for environmental restoration;

(iii) fish and wildlife habitat restoration; and

(iv) wild horse and burro research and adoption marketing.

(2) In acquiring land, water, and related interests under paragraph (1)(A), the University of Nevada shall make acquisitions that the University determines are the most beneficial to—

(A) the establishment and operation of the agricultural and natural resources research center authorized under paragraph (1)(B); and

(B) environmental restoration in the Walker River Basin.

(c)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary shall provide not more than $10,000,000 for a water lease and purchase program for the Walker River Paiute Tribe.

(2) Water acquired under paragraph (1) shall be—

(A) acquired only from willing sellers;

(B) designed to maximize water conveyances to Walker Lake; and

(C) located only within the Walker River Paiute Indian Reservation.

(d) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary, acting through the Commissioner of Reclamation, shall provide—

(1) $10,000,000 for tamarisk eradication, riparian area restoration, and channel restoration efforts within the Walker River Basin that are designed to enhance water delivery to Walker Lake, with priority given to activities that are expected to result in the greatest increased water flows to Walker Lake; and

(2) $5,000,000 to the United States Fish and Wildlife Service, the Walker River Paiute Tribe, and the Nevada division of Wildlife to undertake activities, to be coordinated by the Director of the United States Fish and Wildlife Service, to complete the design and implementation of the Western Inland Trout Initiative and Fishery Improvements in the State of Nevada with an emphasis on the Walker River Basin.

OFFICE OF SCIENCE

SEC. 6018. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to ''Department of Energy, Energy Programs, Science'' is amended by inserting '': Provided, That $2,000,000 is provided within available funds to continue funding for project #DE–FG0204ER63842–04090945, the Southeast Regional Cooling, Heating and Power and Bio-Fuel Application Center, and $3,000,000 is provided from within available funds for the University of Texas Southwestern Medical Center, University of Texas at Dallas Metroplex Comprehensive Imaging Center: Provided further, That within funds made available herein $500,000 is provided for the desalination plant technology program at the University of Nevada-Reno (UNR) and $500,000 for the Oral History of the Negotiated Settlement project at UNR: Provided further, That $4,000,000 is to be provided from within available funds to the Fire Sciences Academy in Elko, Nevada, for purposes of capital debt service'' after ''$3,628,902,000''.

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

SEC. 6019. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to ''Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities'' is amended by inserting after ''various locations'' the following: '': Provided further, That $3,000,000 shall be used to continue funding of project #DE–FC04–02AL68107, the Technology Ventures Corporation: Provided further, That notwithstanding the provisions of section 302 of Public Law 102–377 and section 4705 of Public Law 107–314, as amended, the Department may transfer up to $10,000,000 from the Weapons Activities appropriation for purposes of carrying out section 3147 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108–375''.

DEFENSE SITE ACCELERATION COMPLETION

SEC. 6020. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to ''Atomic Energy Defense Activities, Environmental and Other Defense Activities, Defense Site Acceleration Completion'' is amended by inserting before the period the following: '': Provided, That $4,000,000 is to be provided from within available funds for the cleanup of lands transferred from NNSA to Los Alamos County or Los Alamos School District''.

DEFENSE ENVIRONMENTAL SERVICES

SEC. 6021. To the extent activities directed to be funded from within division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), in division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 104–447), the item relating to the ''Atomic Energy Defense Activities, National Nuclear Security Administration, Environmental and Other Defense Activities, Defense Environmental Services'' is amended by inserting before the period the following: '': Provided, That to the extent activities to be funded within the 'Defense Environmental Services' cannot be funded without unduly impacting mission activities and statutory requirements, up to $30,000,000 from 'Defense Site Acceleration Completion' may be used for these activities''.

CHERNOBYL RESEARCH AND SERVICE PROJECT

SEC. 6022. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 104–447), the item relating to the ''Atomic Energy Defense Activities, National Nuclear Security Administration, Environmental and Other Defense Activities, Other Defense Activities'' is amended by inserting before the period the following: '': Provided, That $5,000,000 is to be provided from within available funds to initiate the Chernobyl Research and Service Project to support radiation effects during the Chernobyl Shelter Implementation Plan within the Office of Environment Safety and Health''.

DEPARTMENT OF ENERGY SMALL BUSINESS CONTRACTS

SEC. 6023. Section 15(g) of the Small Business Act (15 U.S.C. §644), is amended by adding the following new paragraph:

''(3) For purposes of this section, the term 'prime contract' shall, with respect to the Department of Energy, mean prime contracts awarded by the Department of Energy, and subcontracts awarded by Department of Energy management and operating contractors, management and integration contractors, major facilities management contractors, and contractors that have entered into similar contracts for management of a departmental facility. Contracting goals established for the Department of Energy under this section shall be set at a level not greater than the applicable Government-wide goal.''.

YUCCA MOUNTAIN

SEC. 6024. Title III of division C of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2951) is amended in the matter under the heading ''Nuclear Waste Disposal''—

(1) by inserting ''to be derived from the Nuclear Waste Fund and'' after ''$346,000,000,''; and

(2) in the second proviso, by striking ''to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act'' and inserting ''to participate in licensing activities and other appropriate activities pursuant to that Act''.

POWER MARKETING ADMINISTRATION

SEC. 6025. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to ''Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration'' is amended by inserting before the period at the end the following: '': Provided further, That of the amount herein appropriated, $500,000 is provided on a non-reimbursable basis from within available funds for a transmission study on the placement of 500 megawatts of wind energy in North Dakota and South Dakota''.

DEPARTMENT OF HOMELAND SECURITY

REVOLVING FUNDS

SEC. 6026. (a) The Department of Homeland Security ''Working Capital Fund'' is abolished and any remaining unobligated or unexpended fund balances shall be immediately transferred to the ''Office of the Chief Financial Officer'' and shall be subject to section 503 of Public Law 108–334.

(b) The Department of Homeland Security may not use any funds made available under section 403 of the Government Management Reform Act of 1994 (Public Law 103–356).

(c)(1) There is established the ''Continuity of Government Operations and Emergency Management Revolving Fund'' (in this subsection referred to as the ''Revolving Fund'') which shall be administered by a board of directors designated by the Under Secretary for Emergency Preparedness and Response.

(2) There shall be deposited into the Revolving Fund such amounts—

(A) that would have been deposited into the ''Working Capital Fund'' abolished under subsection (a) in accordance with any memorandum of understanding between the Federal Emergency Management Agency and any agency or other entity providing for the funding of the ''Working Capital Fund'' before the date of enactment of Public Law 107–296;

(B) provided for in any other memorandum of understanding approved by the board of directors after the date of enactment of this Act; and

(C) derived from agreements defined in (c)(2)(A) that were transferred to the ''Office of the Chief Financial Officer'' pursuant to subsection (a).

(3) Funds in the Revolving Fund may be used only for activities and services relating to continuity of Government and emergency management carried out by the Federal Emergency Management Agency before March 1, 2003, or approved by the Committees on Appropriations of the Senate and the House of Representatives.

REPROGRAMMING PROVISIONS

SEC. 6027. Section 503 of the Department of Homeland Security Appropriations Act, 2005 (118 Stat. 1315) is amended by striking subsection (d) and inserting the following:

''(d) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for any information technology project that: (1) is funded by the 'Office of the Chief Information Officer'; or (2) is funded by multiple components through the use of reimbursable agreements; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation of funds.

''(e) Notifications of reprogrammings, transfers, and obligations pursuant to subsections (a), (b), (c) and (d) shall not be made later than June 30, 2005, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.''.

SEC. 6028. Any funds made available to the Department of Homeland Security by this Act shall be subject to the terms and conditions of Title V of Public Law 108–334.

BUREAU OF LAND MANAGEMENT TECHNICAL CORRECTION

SEC. 6029. Section 144 of division E of Public Law 108–447 is amended in paragraph (b)(2) by deleting ''September 24, 2004'' and inserting ''November 12, 2004''.

FOREST SERVICE TRANSFER

SEC. 6030. Funds in the amount of $1,500,000, provided in Public Law 108–447 for the ''Forest Service, Capital Improvement and Maintenance'' account, are hereby transferred to the ''Forest Service, State and Private Forestry'' account.

WEST YELLOWSTONE VISITOR INFORMATION CENTER

SEC. 6031. Notwithstanding any other provision of law, the National Park Service is authorized to expend appropriated funds for the construction, operations and maintenance of an expansion to the West Yellowstone Visitor Information Center to be constructed for visitors to, and administration of, Yellowstone National Park.

PESTICIDES TOLERANCE FEES

SEC. 6032. None of the funds in this or any other Appropriations Act may be used by the Environmental Protection Agency or any other Federal agency to develop, promulgate, or publish a pesticides tolerance fee rulemaking.

GULF ISLANDS NATIONAL SEASHORE

SEC. 6033. (a) The Secretary of the Interior shall allow the State of Mississippi, its lessees, contractors, and permittees, to conduct, under reasonable regulation not inconsistent with timely and generally full extraction of the oil and gas minerals:

(1) exploration, development and production operations on sites outside the boundaries of Gulf Islands National Seashore that use directional drilling techniques which result in the

drill hole crossing into the Gulf Islands National Seashore and passing under any land or water the surface of which is owned by the United States, including terminating in bottom hole locations thereunder; and

(2) seismic and seismic-related exploration activities inside the boundaries of Gulf Islands National Seashore related to extraction of the oil and gas located within the boundaries of the Gulf Islands National Seashore, all of which oil and gas is owned by the State of Mississippi.

(b) The provisions of subsection (a) shall not take effect until the State of Mississippi enters into an agreement with the Secretary providing that any actions by the United States in relation to the provisions in this section shall not trigger any reverter of any estate conveyed by the State of Mississippi to the United States within the Gulf Islands National Seashore in Chapter 482 of the General Laws of the State of Mississippi, 1971, and the quitclaim deed of June 15, 1972.

SURFACE MINING CONTROL AND RECLAMATION ACT

SEC. 6034. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking ''June 30, 2005,'' and inserting ''September 30, 2005,''.

REPEAL OF TRANSFER AUTHORITY

SEC. 6035. Section 102 and section 208 of division F of Public Law 108–447 are hereby repealed.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2005

SEC. 6036. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Education under the heading ''Innovation and Improvement''—

(1) the provision specifying $500,000 for the Mississippi Museum of Art, Jackson, MS for Hardy Middle School After School Program shall be deemed to read ''Mississippi Museum of Art, Jackson, MS for a Mississippi Museum of Art After-School Collaborative'';

(2) the provision specifying $2,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program shall be deemed to read ''Teacher Advancement Program Foundation, Santa Monica, CA for the Teacher Advancement Program'';

(3) the provision specifying $1,000,000 for Batelle for Kids, Columbus, OH for a multi-state effort to evaluate and learn the most effective ways for accelerating student academic growth shall be deemed to read ''Battelle for Kids, Columbus, OH for a multi-state effort to implement, evaluate and learn the most effective ways for accelerating student academic growth'';

(4) the provision specifying $750,000 for the Institute of Heart Math, Boulder Creek, CO for a teacher retention and student dropout prevention program shall be deemed to read ''Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program'';

(5) the provision specifying $200,000 for Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Franklin Sherman Elementary School and Chesterbrook Elementary School in McLean, Virginia shall be deemed to read ''Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Shrevewood Elementary School and Wolftrap Elementary School'';

(6) the provision specifying $1,250,000 for the University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) shall be deemed to read ''University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)'';

(7) the provision specifying $25,000 for QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history shall be deemed to read ''QUILL Entertainment Company, Aston, PA, to develop and disseminate programs to enhance the teaching of American history'';

(8) the provision specifying $780,000 for City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education shall be deemed to read ''The Foundry Art Centre, St. Charles, Missouri for support of arts education in conjunction with the City of St. Charles, MO'';

(9) the provision specifying $100,000 for Community Arts Program, Chester, PA, for arts education shall be deemed to read ''Chester Economic Development Authority, Chester, PA for a community arts program'';

(10) the provision specifying $100,000 for Kids with A Promise—The Bowery Mission, Bushkill, PA shall be deemed to read ''Kids with A Promise—The Bowery Mission, New York, NY'';

(11) the provision specifying $50,000 for Great Projects Film Company, Inc., Washington, DC, to produce ''Educating America'', a documentary about the challenges facing our public schools shall be deemed to read ''Great Projects Film Company, Inc., New York, NY, to produce 'Educating America', a documentary about the challenges facing our public schools'';

(12) the provision specifying $30,000 for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Speers and Elijabar shall be deemed to read ''American Camping Association for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest and Speers-Elijabar''; and

(13) the provision specifying $163,000 for Space Education Initiatives, Green Bay, WI for the Wisconsin Space Science Initiative shall be deemed to read ''Space Education Initiatives, De Pere, WI for the Wisconsin Space Science Initiative''.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION—FISCAL YEAR 2005

SEC. 6037. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Postsecondary Education under the heading ''Higher Education''—

(1) the provision specifying $145,000 for the Belin-Blank Center at the University of Iowa, Iowa City, IA for the Big 10 school initiative to improve minority student access to Advanced Placement courses shall be deemed to read ''University of Iowa, Iowa City, IA for the Iowa and Israel: Partners in Excellence program to enhance math and science opportunities to rural Iowa students'';

(2) the provision specifying $150,000 for Mercy College, Dobbs Ferry, NY for the development of a registered nursing program shall be deemed to read ''Mercy College, Dobbs Ferry, NY, for the development of a master's degree program in nursing education, including marketing and recruitment activities'';

(3) the provision specifying $100,000 for University of Alaska/Southeast to develop distance education coursework for arctic engineering courses and programs shall be deemed to read ''University of Alaska System Office to develop distance education coursework for arctic engineering courses and programs''; and

(4) the provision specifying $100,000 for Culver-Stockton College, Canton, MO for equipment and technology shall be deemed to read ''Moberly Area Community College, Moberly, MO for equipment and technology''.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2004

SEC. 6038. In the statement of the managers of the committee of conference accompanying H.R. 2673 (Public Law 108–199; House Report 108–401), in the matter in title III of division E, relating to the Fund for the Improvement of Education under the heading ''Innovation and Improvement'' the provision specifying $1,500,000 for the University of Alaska at Fairbanks for Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska shall be deemed to read ''University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska''.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR GRANT REVIEWS

SEC. 6039. The matter under the heading ''Corporation for National and Community Service—National and Community Service Programs Operating Expenses'' in title III of division I of Public Law 108–447 is amended by inserting before the period at the end the following: '': Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers''.

COPYRIGHT ROYALTY JUDGES

SEC. 6040. (a) During fiscal year 2005, the Librarian of Congress shall transfer from funds under the subheading ''SALARIES AND EXPENSES'' under the heading ''LIBRARY OF CONGRESS'' under title I of the Legislative Appropriations Act, 2005 to the account under the subheading ''SALARIES AND EXPENSES'' under the heading ''COPYRIGHT OFFICE'' under the heading ''LIBRARY OF CONGRESS'' under title I of that Act such funds as necessary to carry out the Copyright Royalty Judges program under chapter 8 of title 17, United States Code, as amended by the Copyright Royalty and Distribution Reform Act of 2004 (Public Law 108–419), subject to subsection (b).

(b) No more than $485,000 may be transferred under this section.

TECHNICAL CORRECTION—DEPARTMENT OF TRANSPORTATION

SEC. 6041. The matter under the heading ''Federal Transit Administration, Capital Investment Grants'' in title I of division H of Public Law 108–447 is amended by striking ''$3,591,548'' and inserting ''$1,362,683'' and by striking ''$22,554,144'' and inserting ''$12,998,815'': Provided, That the amount of new fixed guideway funds available for each project expected to complete its full funding grant agreement this fiscal year shall not exceed the amount which, when reduced by the across-the-board rescission of 0.80 percent of such Act, is equal to the amount of new fixed guideway funds required to complete the commitment of Federal new fixed guideway funds reflected in the project's full funding grant agreement: Provided further, That of the new fixed guideway funds available in Public Law 108–447, $1,352,899 shall be available for the Northern New Jersey Newark Rail Link MOS 1 project, no funds shall be available for the Northern New Jersey Newark-Elizabeth Rail Line MOS 1 project, and $316,427 shall be available for the Northern New Jersey Hudson-Bergen Light Rail MOS 1 project.

THE JUDICIARY

SEC. 6042. Section 308 of division B of Public Law 108–447 is amended by striking ''shall be deposited'' and all that follows through ''expenses'' and inserting in lieu thereof ''shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of

the Courts of Appeals, District Courts, and Other Judicial Services and the Administrative Office of the United States Courts''.

SEC. 6043. Section 325 of S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, as passed by the Senate on March 10, 2005, is amended—

(1) by striking subsection (b) and inserting the following:

''(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

''(1) by striking paragraph (1) and inserting the following:

'''(1)(A) 29.75 percent of the fees collected under section 1930(a)(1)(A) of this title; and

'''(B) 39.67 percent of the fees collected under section 1930(a)(1)(B);';

''(2) in paragraph (2), by striking 'one-half' and inserting '75 percent'; and

''(3) in paragraph (4), by striking 'one-half' and inserting '100 percent'. '';

(2) by striking subsection (c) and inserting the following:

''(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking 'pursuant to 28 U.S.C. section 1930(b)' and all that follows through '28 U.S.C. section 1931' and inserting 'under section 1930(b) of title 28, United States Code, 29.75 percent of the fees collected under section 1930(a)(1)(A) of that title, 39.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title'. ''; and

(3) by striking subsections (d) and (e) in their entirety.

TECHNICAL CORRECTIONS—GENERAL SERVICES ADMINISTRATION

SEC. 6044. Under the heading ''Federal Buildings Fund'' in title IV of division H of Public Law 108–447, strike ''$60,000,000'' and insert in lieu thereof ''$60,600,000'' in reference to the Las Cruces United States Courthouse.

SEC. 6045. Section 408 in title IV of division H of Public Law 108–477 is amended by striking ''Section 572(a)(2)(ii)'' and inserting in lieu thereof ''Section 572(a)(2)(A)(ii)''.

TECHNICAL CORRECTION—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 6046. (a) The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division I of Public Law 108–447 is deemed to be amended with respect to item 230 by striking ''City'' and inserting ''Port''.

(b) The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division I of Public Law 108–447 is deemed to be amended with respect to item 233 by inserting ''Port of'' before the words ''Brookings Harbor''.

(c) The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 30 by inserting ''to be used for planning, design, and construction'' after ''California,''.

(d) The referenced statement of managers under the heading ''Community Development Fund'' in title II of division G of Public Law 108–199 is deemed to be amended with respect to item number 122 by inserting ''to be used for planning, design, and construction'' after ''California,''.

SENSE OF SENATE REGARDING TIMELY ENACTMENT OF APPROPRIATIONS FOR UNITED STATES ARMED FORCES

SEC. 6047. SENSE OF THE SENATE. It is the sense of the Senate that—

(1) our immigration system is badly broken, fails to serve the interests of our national security and our national economy, and undermines respect for the rule of law;

(2) in a post-9/11 world, national security demands a comprehensive solution to our immigration system;

(3) Congress must engage in a careful and deliberative discussion about the need to bolster enforcement of, and comprehensively reform, our immigration laws;

(4) Congress should not short-circuit that discussion by attaching amendments to this supplemental outside of the regular order; and

(5) Congress should not delay the enactment of critical appropriations necessary to ensure the well-being of the men and women of the United States Armed Forces fighting in Iraq and elsewhere around the world, by attempting to conduct a debate about immigration reform while the supplemental appropriations bill is pending on the floor of the United States Senate.

SEC. 6048. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by a Federal agency to produce any prepackaged news story unless the story includes a clear notification within the text or audio of the prepackaged news that the prepackaged news story was prepared or funded by that Federal agency.

SEC. 6049. TECHNICAL CORRECTION TO THE MEDICARE HEALTH CARE INFRASTRUCTURE IMPROVEMENT PROGRAM. (a) IN GENERAL.—Section 1897(c) of the Social Security Act (42 U.S.C. 1395hhh(c)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting ''or an entity described in paragraph (3)'' after ''means a hospital''; and

(B) in subparagraph (B)—

(i) by inserting ''legislature'' after ''State'' the first place it appears; and

(ii) by inserting ''and such designation by the State legislature occurred prior to December 8, 2003'' before the period at the end; and

(2) by adding at the end the following new paragraph:

''(3) ENTITY DESCRIBED.—An entity described in this paragraph is an entity that—

''(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

''(B) has at least 1 existing memorandum of understanding or affiliation agreement with a hospital located in the State in which the entity is located; and

''(C) retains clinical outpatient treatment for cancer on site as well as lab research and education and outreach for cancer in the same facility.''.

(b) LIMITATION ON REVIEW.—Section 1897 of the Social Security Act (42 U.S.C. 1395hhh(c)) is amended by adding at the end the following new subsection:

''(i) LIMITATION ON REVIEW.—There shall be no administrative or judicial review of any determination made by the Secretary under this section.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 1016 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2447).

SEC. 6050. None of the funds made available by this or any other Act may be used to deny the provision of assistance under section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) solely due to the failure of the Secretary of Labor to respond to a request to certify assistance within the time period specified in section 310B(d)(4) of that Act.

TECHNICAL CORRECTION—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 6051. (a) Section 222 of title II of division I of Public Law 108–447 is deleted; and

(b) Section 203(c)(l) of the National Housing Act (12 U.S.C. 1709(c)) is amended by—

(1) striking ''subsections'' and inserting ''subsection'', and

(2) striking ''or (k)'' each place that it appears.

NEPAL

SEC. 6052. (a) FINDINGS.—The Senate makes the following findings:

(1) That on February 1, 2005, Nepal's King Gyanendra dissolved the multi-party government, suspended constitutional liberties, and arrested political party leaders, human rights activists and representatives of civil society organizations.

(2) That despite condemnation of the King's actions and the suspension of military aid to Nepal by India and Great Britain, and similar steps by the United States, the King has refused to restore constitutional liberties and democracy.

(3) That there are concerns that the King's actions will strengthen Nepal's Maoist insurgency.

(4) That while some political leaders have been released from custody, there have been new arrests of human rights activists and representatives of other civil society organizations.

(5) That the King has thwarted efforts of members of the National Human Rights Commission to conduct monitoring activities, but recently agreed to permit the United Nations High Commissioner for Human Rights to open an office in Katmandu to monitor and investigate violations.

(6) That the Maoists have committed atrocities against civilians and poses a threat to democracy in Nepal.

(7) That the Nepalese Army has also committed gross violations of human rights.

(8) That King Gyanendra has said that he intends to pursue a military strategy against the Maoists.

(9) That Nepal needs an effective military strategy to counter the Maoists and pressure them to negotiate an end to the conflict, but such a strategy must include the Nepalese Army's respect for the human rights and dignity of the Nepalese people.

(10) That an effective strategy to counter the Maoists also requires a political process that is inclusive and democratic in which constitutional rights are protected, and government policies that improve the lives of the Nepalese people.

(11) That it is the Sense of the Senate that King Gyanendra should immediately release all political detainees, restore constitutional liberties, and undertake good faith negotiations with the leaders of Nepal's political parties to restore democracy.

FISCHER-TROPSCH COAL-TO-OIL PROJECT

SEC. 6053. Notwithstanding any other provision of law, funds that have been appropriated to and awarded by the Secretary of Energy under the Clean Coal Power Initiative in accordance with financial assistance solicitation #DE–PS26–02NT41428 (as described in 67 Federal Register 575) to construct a Fischer-Tropsch coal-to-oil project may be used by the Secretary to provide a loan guarantee for the project.

PROTECTION OF THE GALAPAGOS

SEC. 6054. (a) FINDINGS.—The Senate makes the following findings:

(1) The Galapagos Islands are a global treasure and World Heritage Site, and the future of the Galapagos is in the hands of the Government of Ecuador.

(2) The world depends on the Government of Ecuador to implement the necessary policies and programs to ensure the long term protection of the biodiversity of the Galapagos, including enforcing the Galapagos Special Law.

(3) There are concerns with the current leadership of the Galapagos National Park Service and that the biodiversity of the Galapagos and the Marine Reserve are not being properly managed or adequately protected; and

(4) The Government of Ecuador has reportedly given preliminary approval for commercial airplane flights to the Island of Isabela, which

may cause irreparable harm to the biodiversity of the Galapagos, and has allowed the export of fins from sharks caught accidentally in the Marine Reserve, which encourages illegal fishing.

(b) The Senate strongly encourages the Government of Ecuador to—

(A) refrain from taking any action that could cause harm to the biodiversity of the Galapagos or encourage illegal fishing in the Marine Reserve;

(B) abide by the agreement to select the Directorship of the Galapagos National Park Service though a transparent process based on merit as previously agreed by the Government of Ecuador, international donors, and nongovernmental organizations; and

(C) enforce the Galapagos Special Law in its entirety, including the governance structure defined by the law to ensure effective control of migration to the Galapagos and sustainable fishing practices, and prohibit long-line fishing which threatens the survival of shark and marine turtle populations.

(c) The Department of State should—

(A) emphasize to the Government of Ecuador the importance the United States gives to these issues; and

(B) offer assistance to implement the necessary policies and programs to ensure the long term protection of the biodiversity of the Galapagos and the Marine Reserve and to sustain the livelihoods of the Galapagos population who depend on the marine ecosystem for survival.

CAMP JOSEPH T. ROBINSON

SEC. 6055. The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled ''An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas'', approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which lies east of the Batesville Pike county road, in sections 24, 25, and 36, township 3 north, range 12 west, Pulaski County, Arkansas.

INDEPENDENT COUNSEL INVESTIGATION OF HENRY CISNEROS

SEC. 6056. (a) None of the funds appropriated or made available in this Act or any other Act may be used to fund the independent counsel investigation of Henry Cisneros after June 1, 2005.

(b) Not later than July 1, 2005, the Government Accountability Office shall provide the Committee on Appropriations of each House with a detailed accounting of the costs associated with the independent counsel investigation of Henry Cisneros.

AFFIRMING THE PROHIBITION ON TORTURE AND CRUEL, INHUMAN, OR DEGRADING TREATMENT

SEC. 6057. (a)(1) None of the funds appropriated or otherwise made available by this Act shall be obligated or expended to subject any person in the custody or under the physical control of the United States to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(b) As used in this section—

(1) the term ''torture'' has the meaning given that term in section 2340(1) of title 18, United States Code; and

(2) the term ''cruel, inhuman, or degrading treatment or punishment'' means the cruel, unusual, and inhumane treatment or punishment prohibited by the fifth amendment, eighth amendment, or fourteenth amendment to the Constitution of the United States.

DETROIT LABOR BUILDING

SEC. 6058. The Secretary of Labor shall convey to the State of Michigan, for no consideration, all right, title, and interest of the United States in and to the real property known as the ''Detroit Labor Building'' and located at 7310 Woodward Avenue, Detroit, Michigan, to the extent the right, title, or interest was acquired through a grant to the State of Michigan under title III of the Social Security Act (42 U.S.C. 501 et seq.) or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) or using funds distributed to the State of Michigan under section 903 of the Social Security Act (42 U.S.C. 1103).

TRAUMATIC INJURY PROTECTION

SEC. 6059. TRAUMATIC INJURY PROTECTION. (a) IN GENERAL.—Subchapter III of chapter 19, Title 38, United States Code, is amended—

(1) in section 1965, by adding at the end the following:

''(11) The term 'activities of daily living' means the inability to independently perform 2 of the 6 following functions:

''(A) Bathing.

''(B) Continence.

''(C) Dressing.

''(D) Eating.

''(E) Toileting.

''(F) Transferring.''; and

(2) by adding at the end the following:

''§ 1980A. Traumatic injury protection

''(a) A member who is insured under subparagraph (A)(i), (B), or (C)(i) of section 1967(a)(1) shall automatically be issued a traumatic injury protection rider that will provide for a payment not to exceed $100,000 if the member, while so insured, sustains a traumatic injury that results in a loss described in subsection (b)(1). The maximum amount payable for all injuries resulting from the same traumatic event shall be limited to $100,000. If a member suffers more than 1 such loss as a result of traumatic injury, payment will be made in accordance with the schedule in subsection (d) for the single loss providing the highest payment.

''(b)(1) A member who is issued a traumatic injury protection rider under subsection (a) is insured against such traumatic injuries, as prescribed by the Secretary, in collaboration with the Secretary of Defense, including, but not limited to—

''(A) total and permanent loss of sight;

''(B) loss of a hand or foot by severance at or above the wrist or ankle;

''(C) total and permanent loss of speech;

''(D) total and permanent loss of hearing in both ears;

''(E) loss of thumb and index finger of the same hand by severance at or above the metacarpophalangeal joints;

''(F) quadriplegia, paraplegia, or hemiplegia;

''(G) burns greater than second degree, covering 30 percent of the body or 30 percent of the face; and

''(H) coma or the inability to carry out the activities of daily living resulting from traumatic injury to the brain.

''(2) For purposes of this subsection—

''(A) the term 'quadriplegia' means the complete and irreversible paralysis of all 4 limbs;

''(B) the term 'paraplegia' means the complete and irreversible paralysis of both lower limbs; and

''(C) the term 'hemiplegia' means the complete and irreversible paralysis of the upper and lower limbs on 1 side of the body.

''(3) The Secretary, in collaboration with the Secretary of Defense, shall prescribe, by regulation, the conditions under which coverage against loss will not be provided.

''(c) A payment under this section may be made only if—

''(1) the member is insured under Servicemembers' Group Life Insurance when the traumatic injury is sustained;

''(2) the loss results directly from that traumatic injury and from no other cause; and

''(3) the member suffers the loss before the end of the period prescribed by the Secretary, in collaboration with the Secretary of Defense, which begins on the date on which the member sustains the traumatic injury, except, if the loss is quadriplegia, paraplegia, or hemiplegia, the member suffers the loss not later than 365 days after sustaining the traumatic injury.

''(d) Payments under this section for losses described in subsection (b)(1) shall be—

''(1) made in accordance with a schedule prescribed by the Secretary, in collaboration with the Secretary of Defense;

''(2) based on the severity of the covered condition; and

''(3) in an amount that is equal to not less than $25,000 and not more than $100,000.

''(e)(1) During any period in which a member is insured under this section and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary of Veterans Affairs as the premium allocable to the pay period for providing traumatic injury protection under this section (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services.

''(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and is insured under a policy of insurance purchased by the Secretary of Veterans Affairs under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary of Veterans Affairs (which shall be the same for all such members) as the share of the cost attributable to provided coverage under this section, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any member shall be collected by the Secretary of the concerned service from such member (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made in advance on a monthly basis.

''(3) The Secretary of Veterans Affairs shall determine the premium amounts to be charged for traumatic injury protection coverage provided under this section.

''(4) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

''(5) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary of Veterans Affairs in advance of that policy year.

''(6) The cost attributable to insuring such member under this section, less the premiums deducted from the pay of the member's uniformed service, shall be paid by the Secretary of Defense to the Secretary of Veterans Affairs. This amount shall be paid on a monthly basis, and shall be due within 10 days of the notice provided by the Secretary of Veterans Affairs to the Secretary of the concerned uniformed service.

''(7) The Secretary of Defense shall provide the amount of appropriations required to pay expected claims in a policy year, as determined according to sound actuarial principles by the Secretary of Veterans Affairs.

''(8) The Secretary of Defense shall forward an amount to the Secretary of Veterans Affairs that is equivalent to half the anticipated cost of claims for the current fiscal year, upon the effective date of this legislation.

''(f) The Secretary of Defense shall certify whether any member claiming the benefit under this section is eligible.

''(g) Payment for a loss resulting from traumatic injury will not be made if the member dies before the end of the period prescribed by the Secretary, in collaboration with the Secretary of

Defense, which begins on the date on which the member sustains the injury. If the member dies before payment to the member can be made, the payment will be made according to the member's most current beneficiary designation under Servicemembers' Group Life Insurance, or a by law designation, if applicable.

''(h) Coverage for loss resulting from traumatic injury provided under this section shall cease at midnight on the date of the member's separation from the uniformed service. Payment will not be made for any loss resulting from injury incurred after the date a member is separated from the uniformed services.

''(i) Insurance coverage provided under this section is not convertible to Veterans' Group Life Insurance.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 19 of title 38, United States Code, is amended by adding after the item relating to section 1980 the following:

''1980A. Traumatic injury protection.''.

(c) RETROACTIVE PROVISION.—

(1) IN GENERAL.—Any member who experienced a traumatic injury (as described in section 1980A(b)(1) of title 38, United States Code) between October 7, 2001, and the effective date under subsection (d), is eligible for coverage provided in such section 1980A if the qualifying loss was a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.

(2) CERTIFICATION; PAYMENT.—The Secretary of Defense shall—

(A) certify to the Office of Servicemembers' Group Life Insurance the names and addresses of those members the Secretary of Defense determines to be eligible for retroactive traumatic injury benefits under such section 1980A; and

(B) forward to the Secretary of Veterans Affairs, at the time the certification is made under subparagraph (A), an amount of money equal to the amount the Secretary of Defense determines to be necessary to pay all cost related to claims for retroactive benefits under such section 1980A.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date of enactment of this Act.

(2) RULEMAKING.—Before the effective date described in paragraph (1), the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall issue regulations to carry out the amendments made by this section.

RESIDENT AND NONRESIDENT HUNTING AND FISHING REGULATIONS

SEC. 6060. STATE REGULATION OF RESIDENT AND NONRESIDENT HUNTING AND FISHING. (a) SHORT TITLE.—This section may be cited as the ''Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005''.

(b) DECLARATION OF POLICY AND CONSTRUCTION OF CONGRESSIONAL SILENCE.—

(1) IN GENERAL.—It is the policy of Congress that it is in the public interest for each State to continue to regulate the taking for any purpose of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and nonresidents of such State with respect to the availability of licenses or permits for taking of particular species of fish or wildlife, the kind and numbers of fish and wildlife that may be taken, or the fees charged in connection with issuance of licenses or permits for hunting or fishing.

(2) CONSTRUCTION OF CONGRESSIONAL SILENCE.—Silence on the part of Congress shall not be construed to impose any barrier under clause 3 of Section 8 of Article I of the Constitution (commonly referred to as the ''commerce clause'') to the regulation of hunting or fishing by a State or Indian tribe.

(c) LIMITATIONS.—Nothing in this section shall be construed—

(1) to limit the applicability or effect of any Federal law related to the protection or management of fish or wildlife or to the regulation of commerce;

(2) to limit the authority of the United States to prohibit hunting or fishing on any portion of the lands owned by the United States; or

(3) to abrogate, abridge, affect, modify, supersede or alter any treaty-reserved right or other right of any Indian tribe as recognized by any other means, including, but not limited to, agreements with the United States, Executive Orders, statutes, and judicial decrees, and by Federal law.

(d) STATE DEFINED.—For purposes of this section, the term ''State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

TITLE VII—TEMPORARY WORKERS

SEC. 7001. SHORT TITLE.

This title may be cited as the ''Save Our Small and Seasonal Businesses Act of 2005''.

SEC. 7002. NUMERICAL LIMITATIONS ON H–2B WORKERS. (a) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following:

''(9)(A) Subject to subparagraphs (B) and (C), an alien counted toward the numerical limitations of paragraph (1)(B) during any 1 of the 3 fiscal years prior to the submission of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) may not be counted toward such limitation for the fiscal year in which the petition is approved.

''(B) A petition referred to in subparagraph (A) shall include, with respect to an alien—

''(i) the full name of the alien; and

''(ii) a certification to the Department of Homeland Security that the alien is a returning worker.

''(C) An H–2B visa for a returning worker shall be approved only if the name of the individual on the petition is confirmed by—

''(i) the Department of State; or

''(ii) if the alien is visa exempt, the Department of Homeland Security.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment in subsection (a) shall take effect as if enacted on October 1, 2004, and shall expire on October 1, 2006.

(2) IMPLEMENTATION.—Not later than the date of enactment of this Act, the Secretary of Homeland Security shall begin accepting and processing petitions filed on behalf of aliens described in section 101(a)(15)(H)(ii)(b), in a manner consistent with this section and the amendments made by this section.

Sec. 7003. FRAUD PREVENTION AND DETECTION FEE. (a) IMPOSITION OF FEE.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 426(a) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is amended by adding at the end the following:

''(13)(A) In addition to any other fees authorized by law, the Secretary of Homeland Security shall impose a fraud prevention and detection fee on an employer filing a petition under paragraph (1) for nonimmigrant workers described in section 101(a)(15)(H)(ii)(b).

''(i) The amount of the fee imposed under subparagraph (A) shall be $150.''.

(b) USE OF FEES.—

(1) FRAUD PREVENTION AND DETECTION ACCOUNT.—Subsection (v) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 426(b) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is amended—

(A) in paragraphs (1), (2)(A), (2)(B), (2)(C), and (2)(D) by striking ''H1–B and L'' each place it appears;

(B) in paragraph (1), as amended by subparagraph (A), by striking ''section 214(c)(12)'' and inserting ''paragraph (12) or (13) of section 214(c)'';

(C) in paragraphs (2)(A)(i) and (2)(B), as amended by subparagraph (A), by striking ''(H)(i)'' each place it appears and inserting ''(H)(i), (H)(ii), ''; and

(D) in paragraph (2)(D), as amended by subparagraph (A), by inserting before the period at the end ''or for programs and activities to prevent and detect fraud with respect to petitions under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in section 101(a)(15)(H)(ii)''.

(2) CONFORMING AMENDMENT.—The heading of such subsection 286 is amended by striking ''H1–B AND L''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2005.

SEC. 7004. SANCTIONS. (a) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section 3, is further amended by adding at the end the following:

''(14)(A) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a substantial failure to meet any of the conditions of the petition to admit or otherwise provide status to a nonimmigrant worker under section 101(a)(15)(H)(ii)(b) or a willful misrepresentation of a material fact in such petition—

''(i) the Secretary of Homeland Security may, in addition to any other remedy authorized by law, impose such administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary of Homeland Security determines to be appropriate; and

''(ii) the Secretary of Homeland Security may deny petitions filed with respect to that employer under section 204 or paragraph (1) of this subsection during a period of at least 1 year but not more than 5 years for aliens to be employed by the employer.

''(iii) The Secretary of Homeland Security may delegate to the Secretary of Labor, with the agreement of the Secretary of Labor, any of the authority given to the Secretary of Homeland Security under subparagraph (A)(i).

''(iv) In determining the level of penalties to be assessed under subparagraph (A), the highest penalties shall be reserved for willful failures to meet any of the conditions of the petition that involve harm to United States workers.

''(v) In this paragraph, the term 'substantial failure' means the willful failure to comply with the requirements of this section that constitutes a significant deviation from the terms and conditions of a petition.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005.

SEC. 7005. ALLOCATION OF H–2B VISAS DURING A FISCAL YEAR. Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 7002, is further amended by adding at the end the following new paragraph:

''(j) The numerical limitations of paragraph (1)(B) shall be allocated for a fiscal year so that the total number of aliens who enter the United States pursuant to a visa or other provision of nonimmigrant status under section 101(a)(15)(H)(ii)(b) during the first 6 months of such fiscal year is not more than 33,000.''.

SEC. 7006. SUBMISSION TO CONGRESS OF INFORMATION REGARDING H–2B NONIMMIGRANTS.

Section 416 of the American Competitiveness and Workforce Improvement Act of 1998 (title IV of division C of Public Law 105–277; 8 U.S.C. 1184 note) is amended—

(1) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''; and

(2) by adding at the end the following new subsection:

''(d) PROVISION OF INFORMATION.—

''(1) QUARTERLY NOTIFICATION.—Beginning not later than March 1, 2006, the Secretary of

Homeland Security shall notify, on a quarterly basis, the Committee on the Judiciary of the Senate and the Committee on the Judiciary of House of Representatives of the number of aliens who during the preceding 1-year period—

''(A) were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)); or

''(B) had such a visa or such status expire or be revoked or otherwise terminated.

''(2) ANNUAL SUBMISSION.—Beginning in fiscal year 2007, the Secretary of Homeland Security shall submit, on an annual basis, to the Committees on the Judiciary of the House of Representatives and the Senate—

''(A) information on the countries of origin of, occupations of, and compensation paid to aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) during the previous fiscal year;

''(B) the number of aliens who had such a visa or such status expire or be revoked or otherwise terminated during each month of such fiscal year; and

''(C) the number of aliens who were provided nonimmigrant status under such section during both such fiscal year and the preceding fiscal year.

''(3) INFORMATION MAINTAINED BY STATE.—If the Secretary of Homeland Security determines that information maintained by the Secretary of State is required to make a submission described in paragraph (1) or (2), the Secretary of State shall provide such information to the Secretary of Homeland Security upon request.''.

RECAPTURE OF VISAS

SEC. 7007. Section 106(d)(2)(A) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1), by inserting before the period at the end of the second sentence ''and any such visa that is made available due to the difference between the number of employment-based visas that were made available in fiscal year 2001, 2002, 2003, or 2004 and the number of such visas that were actually used in such fiscal year shall be available only to employment-based immigrants, and the dependents of such immigrants, and 50 percent of such visas shall be made available to those whose immigrant worker petitions were approved based on schedule A, as defined in section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor''; and

(2) in paragraph (2)(A), by striking ''and 2000'' and inserting ''through 2004''.

RECIPROCAL VISAS FOR NATIONALS OF AUSTRALIA

SEC. 7008. (a) Section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—

(1) by adding at the end ''or (iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1);''; and

(2) in clause (i), by striking ''or'' after ''national;''.

(b) Section 202 of such Act (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

''(f) SPECIAL RULE FOR AUSTRALIA.—The total number of aliens who may acquire nonimmigrant status under section 101(a)(15)(E)(iii) may not exceed 5000 for a fiscal year.''.

(c) Section 214(i)(1) of such Act (8 U.S.C. 1184(i)(1)) is amended by inserting '', section 101(a)(15)(E)(iii),'' after ''section 101(a)(15)(H)(i)(b)''.

(d) Section 212(t) of such Act (8 U.S.C. 1182(t)), as added by section 402(b)(2) of the United States-Chile Free Trade Agreement Implementation Act (Public Law 108–77; 117 Stat. 941), is amended—

(1) by inserting ''or section 101(a)(15)(E)(iii)'' after ''section 101(a)(15)(H)(i)(b1)'' each place it appears;

(2) in paragraph (3)(C)(i)(II), by striking ''or'' in the third place it appears;

(3) in paragraph (3)(C)(ii)(II), by striking ''or'' in the third place it appears; and

(4) in paragraph (3)(C)(iii)(II), by striking ''or'' in the third place it appears.

This Act may be cited as the ''Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005''.

Amend the title so as to read: ''An Act Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.''.

ORDERS FOR TUESDAY, APRIL 26, 2005

Mr. INHOFE. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, April 26. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business for up to 60 minutes with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business the Senate resume consideration of the motion to proceed to H.R. 3, the highway bill, and there be 60 minutes of debate equally divided between the two leaders or their designees; provided further that upon the use or yielding back of that time the Senate proceed to the cloture vote on the motion to proceed to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I further ask consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. INHOFE. Tomorrow, following morning business, the Senate will resume consideration of the motion to proceed to the highway bill. Under the previous order, we will have up to 1 hour of debate prior to a cloture vote on the motion to proceed. The cloture vote will be at approximately 11:45 a.m., and that will be the first vote of tomorrow's session. It is my hope that cloture will be invoked and further that we would be able to move to the bill without using the full 30 hours of postcloture debate. Once on the bill, we will move forward with the amending process. Senators should expect additional rollcall votes during tomorrow's session.

On behalf of the leader, I inform my colleagues we will have a busy week leading into next week's recess. In addition to the highway bill, we will act on the budget resolution conference report once it becomes available. There are a couple of important nominations expected to be reported out of the committee this week that we hope to act upon, as well. Rollcall votes are expected each day this week, and Senators are asked to plan their schedules accordingly.

ORDER FOR ADJOURNMENT

Mr. INHOFE. There being no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator BOXER for not to exceed 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, I had asked for an hour to speak for the RECORD on a number of issues. First, I will pay tribute to 53 young Americans who have been killed in Iraq since December 7, 2004. This brings to 402 the number of soldiers who were either from California or based in California that have been killed while serving our country. I want to make the point to my colleagues this represents 26 percent of all the military deaths in Iraq. Twenty-six percent of those deaths have come from California, either the person was born and raised in California or was stationed in California. We continue to mourn those losses. As I have promised since the day the war started, I will pay tribute to them by name so they are not forgotten.

CPL In C. Kim died December 7 as a result of a nonhostile vehicle incident in Al Anbar Province. He was assigned to Camp Pendleton.

PFC Christopher S. Adlesperger died December 9 as a result of enemy action in Al Anbar Province. He was also assigned to Camp Pendleton.

I want to mention the ages of these soldiers too. Corporal Kim was 23 years old. PFC Christopher Adlesperger was 20 years old.

SPC Edwin W. Roodhouse, 36 years old, died December 5 in Habbaniyah, Iraq, when an improvised explosive device detonated near his humvee. He was assigned to the 1st Battalion, 56th Infantry Regiment, 2nd Infantry Division, Camp Greaves, Korea, and he was from San Jose, CA.

SSgt Melvin L. Blazer, age 38, died December 12 as a result of enemy action in Al Anbar Province. He also was assigned to Camp Pendleton.

LCpl Hilario F. Lopez, age 22, died December 12 as a result of enemy action in Al Anbar Province. He was assigned also to Camp Pendleton.

LCpl Gregory Rund, age 21, died December 11 as a result of enemy action in Al Anbar Province. He also was assigned to Camp Pendleton.

CPL Ian W. Stewart, age 21, died December 12 as a result of enemy action in Al Anbar Province. He was also assigned to Camp Pendleton, and he was from Lake Hughes, CA.

SGT Jeffrey Kirk, age 24, died December 12 as a result of enemy action in Al Anbar Province, also assigned to Camp Pendleton.

LCpl Joshua Dickinson, age 25, died December 12 as a result of enemy action in Al Anbar Province. He was assigned to Camp Pendleton.

CPL Michael Anderson, age 21, died December 14 as a result of enemy action in Al Anbar Province. He was also assigned to Camp Pendleton, CA and was from Modesto, CA.

LCpl Neil Petsche, age 21, died December 21 due injuries received from a nonhostile vehicle incident in Al Anbar Province. He was assigned to Twentynine Palms, CA.

SSG Robert S. Johnson, age 23, died December 21 in Mosul when his dining facility was attacked. He was assigned to Fort Lewis, WA, but he was from Castro Valley, CA.

SPC Jonathan Castro, age 21, died December 21 in Mosul when his dining facility was attacked. He was assigned to Fort Lewis, WA, but he was from Corona, CA.

LCpl Eric Hillenburg, age 21, died December 23 as a result of enemy action in Al Anbar Province. He was assigned to Camp Pendleton, CA.

LCpl James Phillips, age 21, died December 23 as a result of enemy action in Al Anbar Province. He, too, was assigned to Camp Pendleton, CA.

CPL Raleigh Smith, age 21, died December 23 as a result of enemy action in Al Anbar Province. He was assigned to Camp Pendleton, CA.

Navy Seaman Pablito Pena Briones, Jr., age 22, died December 28 of a nonhostile gunshot wound in Fallujah. The incident is under investigation. He was assigned to the 1st Marine Division Detachment, Naval Medical Center, San Diego. He was from Anaheim, CA.

PFC Oscar Sanchez, age 19, died December 28 in Mosul when a vehicle-borne improvised explosive device struck his observation post. He was assigned to Fort Lewis, WA, and was from Modesto, CA.

LCpl Jason Smith, age 21, died December 31 as a result of hostile action in Al Anbar Province. He was assigned to Camp Pendleton, CA.

LCpl Julio Cisneros Alvarez died January 6 as a result of hostile action in Al Anbar Province. He was assigned to Twentynine Palms, CA.

SGT Zachariah S. Davis died January 6 as a result of hostile action in Al Anbar Province. He was assigned to Twentynine Palms, CA, and he was from San Bernardino, CA.

CPL Paul Holter, III, age 21, died January 14 due to noncombat-related incident at Camp Ramadi, Iraq. He was assigned to Camp Pendleton, CA.

CAPT Joe F. Lusk, II, age 24, died January 21 in Camp Buehring, Kuwait, of noncombat-related injuries. He was assigned to Fort Bragg, NC, but he was from Reedley, CA.

SSG Jose C. Rangel, age 43, died January 23 in Camp Arifjan, Kuwait, of noncombat-related injuries. He was assigned to the Aviation Classification Repair Activity Depot in Fresno, CA. He was from Saratoga.

Petty Officer Third Class John House, age 28, died in a helicopter crash near Ar Rutbah, Iraq. He was assigned to Pearl Harbor but he was from Ventura, CA.

CPT Paul Alaniz, age 32, died January 26 when the CH–53E helicopter he was in crashed near Ar Rutbah, Iraq. He was assigned to Marine Corps Air Station, Miramar, CA.

CPT Lyle Gordon, age 30, died January 26 when the CH–53E helicopter he was in crashed near Ar Rutbah, Iraq. He was also assigned to Marine Corps Air Station, Miramar, CA.

SSG Dexter S. Kimball, age 30, died January 26 when the CH–53E helicopter he was in crashed. He was also assigned to Marine Corps Air Station, Miramar, CA.

LCpl Mourad Ragimov, age 20, also died in that same helicopter which crashed near Ar Rutbah, Iraq. He was from San Diego and assigned to a Marine base in Hawaii.

1LT Dustin N. Shumney, age 30, died January 26 when the CH–53E helicopter he was in crashed.

LCpl Joseph B. Spence, age 24, died January 26 when the CH–53E helicopter he was in crashed near Ar Rutbah, Iraq. He was assigned to 1st Battalion, 3rd Marine Regiment, 3rd Marine Division, Marine Corps Base Hawaii. He was from Scotts Valley, CA.

LCpl Tony L. Hernandez, age 22, died January 26 when the CH–53E helicopter he was in crashed near Ar Rutbah, Iraq. He was assigned to Marine Heavy Helicopter Squadron 361, Marine Aircraft Group 16, 3rd Marine Aircraft Wing, Marine Corps Air Station Miramar, CA.

CPL Stephen P. Johnson, age 24, died January 26 when the CH–53E helicopter he was in crashed near Ar Rutbah, Iraq. He was assigned to 1st Battalion, 3rd Marine Regiment, 3rd Marine Division, Marine Corps Base Hawaii. He was from Covina, CA.

PFC Kevin M. Luna, age 26, died January 27 in Muqdadiyah, Iraq, from noncombat related injuries. He was assigned to the 1st Battalion, 63rd Armor Regiment, 1st Infantry Division, Vilseck, Germany. He was from Oxnard, CA.

SSG Joseph W. Stevens, age 26, died January 24 in Mohammed Sacran, Iraq when his Bradley Fighting Vehicle overturned. He was assigned to the 2nd Battalion, 2nd Infantry, 1st Infantry Division, Vilseck, Germany. He was from Sacramento, CA.

LCDR Keith E. Taylor, age 47, died January 29 in a rocket attack on the U.S. Embassy in Baghdad. He was assigned to Commander, U.S. Naval Forces, Central Command, Iraq Detachment. He was from Irvine, CA.

LCDR Edward E. Jack, age 51, died January 29 of a noncombat related incident aboard the USS Bonhomme Richard. He was assigned to Commander, Destroyer Squadron Seven, home ported in San Diego, CA.

LCpl Nazario Serrano, age 20, died January 30 as a result of hostile action in Al Anbar Province. He was assigned to the Combat Service Support Battalion 1, Combat Service Support Group 11, 1st Force Service Support Group, Camp Pendleton, CA.

PFC Stephen A. Castellano, age 21, died January 28 in Mosul, Iraq from a noncombat related injury. He was assigned to 1st Battalion, 14th Infantry Regiment, 25th Infantry Division (Light) from Schofield Barracks, Hawaii. He was from Long Beach, CA.

LCpl Richard C. Clifton, age 19, died February 3 as a result of hostile action in Al Anbar Province. He was assigned to 2nd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA.

CPT Sean Lee Brock, age 29, died February 2 after sustaining a fatal shrapnel wound to his abdomen from an explosion while conducting combat operations in Al Anbar Province. He was assigned 1st Marine Division, Okinawa, Japan. He was from Redondo Beach, CA.

CPL Kevin M. Clarke, age 21, died February 19 as a result of hostile action in Al Anbar Province. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA.

SPC Wade Michael Twyman, age 27, died March 4 in Ar Ramadi, Iraq when an improvised explosive device detonated near his patrol. He was assigned to the 1st Infantry Battalion, 9th Infantry Regiment, 2nd Brigade Combat Team, Camp Hovey, Korea. He was from Vista, CA.

PFC Samuel S. Lee, age 19, died March 28 in Ar Ramadi, Iraq from noncombat related injuries. He was assigned to 1st Battalion, 506th Infantry Regiment, 2nd Infantry Division, Camp Greaves, Korea. He was from Anaheim, CA.

CPL Garrywesley T. Rimes, age 30, died April 1 as a result of hostile action in Al Anbar Province. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, California. During Operation Iraqi Freedom, Rimes was attached to 2nd Marine Division. He was from Santa Maria, CA.

CPL William D. Richardson, age 23, died April 3 in Baghdad when he came under enemy fire and fell into a canal.

He was assigned to the 1st Battalion, 41st Infantry Regiment, 1st Armored Division, Fort Riley, KS. He was from Moreno Valley, CA.

LCpl Juan C. Venegas, age 21, died April 7 as a result of a vehicle accident while conducting combat operations in Al Anbar Province. He was assigned 3rd Battalion, 4th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, Venegas was attached to 2nd Marine Division. He was from Simi Valley, CA.

SPC Glenn J. Watkins, age 42, died April 5 in Baghdad when a vehicle-born improvised explosive device detonated near his military vehicle. He was assigned to the Army National Guard's 1st Battalion, 161st Infantry, Kent, WA. He was from Carlsbad, CA.

PFC Casey M. LaWare, age 19, died April 9 at Landstuhl Regional Medical Center in Germany from noncombat related injuries sustained April 6 in Al Mahmudiyah, Iraq. He was assigned to the 2nd Squadron, 11th Armored Cavalry Regiment, Fort Irwin, CA. He was from Redding, CA.

CPT James C. Edge, age 31, was killed April 14 by enemy small-arms fire while conducting combat operations in Ramadi, Iraq. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, Edge was attached to 2nd Marine Division, II Marine Expeditionary Force.

CPL Tyler J. Dickens, age 20, died April 12 at Brooke Army Medical Center in San Antonio, TX, of injuries sustained April 6 in Al Mahmudiyah, Iraq, when his guard tower caught fire. He was assigned to the Army's 2nd Squadron, 11th Armored Cavalry Regiment, Fort Irwin, CA.

CPL Kelly M. Cannan, age 21, was killed April 20 as the result of the detonation of an improvised explosive device while conducting combat operations in Ar Ramadi, Iraq. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. As part of Operation Iraqi Freedom, his unit was attached to a 2nd Marine Division.

LCpl Marty G. Mortenson, age 22, was killed April 20 as the result of the detonation of an improvised explosive device while conducting combat operations in Ar Ramadi, Iraq. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. As part of Operation Iraqi Freedom, his unit was attached to a 2nd Marine Division.

I pray for these young Americans and their families.

Mr. President, it is with a very heavy heart that I continue to report to the Senate on these young people, and not so young people, who are being killed in Iraq, it seems, almost every day. In this eulogy where I simply read the names and tell you how this happened, we have talked about people from the age of 19 to 51 years old. In this war, we have people of all ages because it is the regular military and also Reserves and National Guard. We have a lot of people who are married with children. The loss is huge, regardless of age. Often, there are even more people who are effected when we have someone who is married with a family—not only the moms and dads but the spouses and the children and the broader community.

So I pray for these young Americans, may they rest in peace; and I pray for their families, may they heal. It is the ultimate act of bravery to answer the call of the Commander in Chief. It is the ultimate act of bravery. I was in Iraq last month, and the security challenges we face there are enormous. I don't have the time tonight to go into detail. It was a bipartisan trip of Senators, and each Senator had two guards at all times with machine guns, plus additional security all around us. We could not go on the main road from Baghdad Airport because of the lack of safety. We flew in Blackhawk helicopters with the greatest pilots in the world, with two machine guns looking out at all times. Every time we were anywhere on the ground, you could smell the danger. We were so well protected. Even in the General Assembly building, where you would think it would be very safe, they said it was the site of kidnappings.

Even in the Embassy compound, we heard that one of the military people killed there, LCDR Keith Taylor, died January 29 in a rocket attack on the U.S. Embassy in Baghdad. That is a highly protected and defended place. We sat there, and I noted the looks on the faces of the civilians sitting around—the fear, the anguish, the anxiety. I made a point of thanking them for their service. I know they want to build a democracy there. I noted how fearful and anxious they looked. I truly expected at least one of them to say: No, you are misreading it; that is not so. But they did not contradict it.

It is a very dangerous place. I think we all learned that through loss of that beautiful young woman, Marla Ruzicka, who is a true hero of her generation, if not the country. She was working in Iraq with a nonprofit organization she set up that actually was funded by this Senate, I am proud to say, to find the innocent victims of war, what we call collateral damage of war. Marla put a face on these little children and these grieving mothers and fathers.

She would go out into the homes of the Iraqi people—it is so dangerous to do that—with her blond hair flying. She would take the testimony, and then she would bring it back to the military who grew to trust Marla. Then, if it all checked out, these people would get some recompense to try and rebuild their lives.

It was a very moving funeral I went to with my family in Lakeport, CA. People came from all over the country and all over the world to honor Marla. I know Senator LEAHY, on our side, has taken the lead on this incredible program. I hope to work with him and Members of both sides of the aisle to make sure that program continues.

Of course, we need to have a plan for success in Iraq, and my view is we do not have that right now. When we ask the people who brought us the war, namely the President, how long we are going to be there, he says: As long as it takes. I think we can do better. I think there are five or six things we can do. But, again, I do not have time to go into it tonight, and I have spoken about this at length before.

Clearly, training the Iraqis is key, and General Petraeus told us when we met with him that he is very high on the Iraqi troops. He thinks they are terrific. He thinks they can step in. There are 120,000 of them. This is good news. We ought to be able to begin to bring our troops home and replace them with the Iraqis.

I also met with the new leaders of the country, and I believe if we do not set some dates, they will forever rely on us. I do not think that is the way it should be. I really do not. They need to get on their own two feet, and we ought to help them—train these soldiers, train these police forces and bring our troops back.

It is not working out well for us over there. It is counterproductive right now. The CIA told us that when we visited. Indeed, the head of the CIA told us in hearings that it is fueling the insurgency. General Newbolt, who planned the original military victory in Iraq, told us the same. We need to have a goal of when we are going to leave because otherwise it is fueling discontent. The insurgency is so deep now. Different groups are coming every day taking ''credit'' for these horrible civilian deaths.

The status quo is not good there. I hope we can move forward with a plan for success. A lot of our people have given their lives and their limbs, thousands of them coming home without limbs, over 11,000 at this point. We need to stand with them and with their families and make sure we are there for them because they are suffering mightily.

They are brave, they are courageous, they will do whatever they are asked to do. They are extraordinary. We need to stand with them, regardless of whether we think this war was the best thing we ever did or the worst thing we ever did. That is secondary. We have to stand with them.

WELDON AMENDMENT

Mrs. BOXER. Mr. President, Senator FRIST was true to his word. He told me I could have a vote to repeal what I consider to be a very dangerous amendment that came into an appropriations bill without any hearings, without any discussions, without any votes, and I think could very well lead to a very dangerous situation for the women of our country.

I decided not to push the vote. It was too close to call. Some people said

there were 56 votes against us. That was not my count, but I knew that in order to win this vote I needed to talk with people individually at great length.

Why is that? Because this is one of the most confusing amendments that we have ever faced in the Senate. Just ask the people at HHS, who are trying to implement it. Just ask the people who filed suit. They say it is so vague and so broad that it could literally mean people coming into an emergency room, not getting served, and dying in an emergency room. This is what could happen.

I thank Senator FRIST for being true to his word, for giving me the opportunity, and I want to briefly explain what I plan to do about this Weldon amendment, with the help of my friends and colleagues.

Senator HARKIN and I plan to work across the aisle to modify this amendment so that it really is what it claims to be, a conscience clause. No one objects to conscience clauses. I support them. Conscious clauses are in the law. I am happy to clarify them, make sure anyone who has a moral objection to performing an abortion absolutely has every right not to have to do that.

I have talked at length with Senator HARKIN, and we are going to work with our colleagues. That means with Senator SPECTER and the other members of the Appropriations Committee so they understand the ramifications of this Weldon amendment, which I will go into in a minute.

Second, as I mentioned, there have been lawsuits filed challenging the constitutionality of the Weldon amendment. I believe the arguments are compelling. As I have said before—and we were proven right when other anti-choice amendments that were thrown out of court—I believe this one also will be thrown out. Because it cannot possibly be that any judge anywhere, regardless of whether he or she is liberal, conservative, moderate, Republican, Democrat, or anything else, would put women's lives in danger like this could do. So I feel very confident it will come out all right.

I am going to give a brief discussion on what I think the Weldon amendment means as it is now written.

Although the proponents of the Weldon amendment call it a conscience clause, nowhere in the amendment do we see the words ''religion,'' ''morals,'' ''beliefs,'' or ''values.'' It is masquerading as a conscience clause, but it really is not. I call it a denial clause because it will deny women emergency care when their lives are in danger, deny low-income rape victims reproductive health care, deny doctors the right to give their patients vital information, and deny States the ability to enforce critical laws ensuring the health of women.

The fact is, our hospitals and doctors already have a Federal conscience clause, it's called the 1973 Church Amendment. What Weldon does is different. It's a big loophole that allows anyone, including HMOs, to decide, for any reason, that they do not want any of their doctors not only not performing abortions but also telling a woman that it is a legal right for her, referring her, talking to her honestly about what her options are.

This amendment is giving a denial clause to an HMO which, by the way, I do not think they have a conscience, given the way many of them treat people. So we are giving the HMO, a corporation, a big denial clause—not the doctor, not the nurse but the corporation. So that means they can now gag doctors who work for them by telling them: You better not inform a woman about her rights because if you do, it is against the guidelines of this HMO.

Now, in this Weldon amendment, there is no exception for rape or incest. Imagine, there is no exception for rape and incest. So even if a woman comes in who has been brutally raped or the victim of incest, under this Weldon amendment, the hospital or the HMO could violate current law and say: So sorry about that, you are on your own. Now, this is America in 2005. Where is our conscience? Where are our moral values? Where are our family values if we pass an amendment like this, that would throw a woman out in the most dire of circumstances? It is just horrific.

And this goes against our Medicaid law. The Hyde amendment makes an exception for rape and incest if a woman is on Medicaid and if she is poor. HENRY HYDE and I talked about that quite a bit, and he supported that very much. First the exception was if one's life is at stake, they can get Medicaid help to end the pregnancy. Then it was rape and incest. There is no such exception in Weldon, and guess what happens. If the Medicaid law is enforced, states can now lose all of their Federal funds for education, labor, and health. This is just crazy. It makes no sense at all.

We believe that Weldon would allow a woman to die in an emergency room. There are very unbelievably tragic stories. Let us say a woman is in a car accident while she is in the early stages of her pregnancy. She is rushed into the emergency room, and she is losing blood. The only way to save her life is to terminate the pregnancy. Under Weldon, if the hospital says, I am sorry, we do not do that, she could just simply die waiting for help. This is what Weldon does. This is why I cannot believe a judge is going to allow it to continue.

So the Weldon amendment is drawn in such a way that all the laws we have—including the emergency room law ensuring a hospital takes measures to stabilize patients if their lives are endanger and the Medicaid law that allows a woman to get an abortion if she is raped or the victim of incest—are overridden by Weldon. Any State law that steps in to help guarantee reproductive services and referrals to woman is overridden by Weldon. And if States enforces their own law to help a woman in a crisis, they can lose all of their Federal funds, not just their family planning funds but every dollar of their education money, their labor money, and their health money. We are talking about billions of dollars across the board.

We all know it is totally unconstitutional to gag a doctor. Every year the anti-choice people pass a Mexico City gag rule, which I am proud to say the Senate does not support, but the President does, and it always manages to survive. The gag rule is in effect abroad, but they cannot do it here. Why? Because in this country we have freedom of speech, and a gag cannot be put around a doctor's mouth and tell them they cannot let their patients know all of their options; that is unconstitutional. But here, under Weldon, an HMO can gag any doctor that works for it. So it is really completely outrageous.

In essence, we are going to have a whole series of laws overturned by the Weldon amendment. The odd thing is, if the backers of the Weldon amendment would come to the table and tell us all the things they want to do, we could have an honest debate. The trouble we have is that the people who support Weldon will say: All we have is a conscience clause. But that isn't the case.

We have letters from doctors, patients, States, and we have lawsuits that really unmask the true ramifications of Weldon. What we have is a provision that masquerades as a conscience clause when it is really a denial clause that would punish States. These are the people who I thought liked States rights.

Let us take the issue of hospital mergers. In the past, under current law, every State in the Union that I know of has the ability, when a hospital merges, to set conditions for those mergers. The attorneys general of those States have the right to put conditions on those mergers. Under Weldon, that's no longer possible if such conditions include making sure that in this merger a woman has still reproductive health care. So it is taking away the rights of States, and that is again why I believe we can fix this, because it is so dangerous in its current form.

We have this amendment masquerading as a conscience clause. But it is not a conscience clause, it is a denial clause because it will deny women the health care they need to live, to be helped and saved in an emergency. It will gag doctors. It will stop attorneys general in all of our States from carrying out their duties. A couple of States have sued on behalf of this. Many who must implement it have thrown their hands up. They do not know how to enforce it. It never had a hearing in the Senate. We never looked at it, and it passed as part of the appropriations bill.

Again, I thank Senator FRIST for living up to his commitment he made to me. I appreciate it. What we are going to do is continue to work to let everyone know how outrageous this law is, how far reaching this law is, how dangerous this law is to women, how it walks away from family values, from States rights, from anything decent when one says to a woman who has been raped or is the victim of incest that she is on her own. That is not what this country is about.

At some point, we are going to make sure that this Weldon amendment is either modified so it becomes what it says it is, which is a conscience clause that no one has an objection to, or is repealed.

How much more time do I have remaining?

The PRESIDING OFFICER. The Senator from California has 23 minutes remaining.

JOHN BOLTON NOMINATION

Mrs. BOXER. Mr. President, I want to close on a couple of topics. The first one, because I sit on the Foreign Relations Committee, is the nomination of John Bolton to be our Ambassador to the United Nations. I do call on the President to rethink this nomination. Out of the thousands of strong, conservative Republicans who care about the world, there has to be somebody better than someone who has a pattern of not only abusing his staff, called a serial abuser by one witness, but also, and this is really threatening, trying to get them fired if they do not give him the information he wants.

I am talking about false information and reaching down from the very high level at which he has been to the bottom of another agency that he did not even have direct line control over and trying to force not one but two and maybe three intelligence analysts to paint a picture that he wanted to use so that he could present a country as an imminent threat to this Nation, which could have led to some serious ramifications. Of all the people to pick now, it should not be someone who would try to politicize intelligence gathering.

I received another letter on Friday, which I sent to both sides of the committee. I hope this will be looked at. It concerns a case where years ago John Bolton was trying to overturn a U.N. resolution—or have it modified—that dealt with infant formula in the developing nations. Some of my colleagues may remember that issue, where babies were dying throughout the developing world because they were mixing the baby formula with contaminated water, and the U.N. voted very strongly to stop distributing and selling that baby formula. According to this woman, who has a lot of credentials—an attorney who worked with John Bolton—she said that Bolton ordered her to contact these developing nations and tell them to back off and modify this resolution so that Nestle Company and others could sell their product in the developing world. And this is interesting—conscience clause—she said: My conscience does not allow me to do this because if one baby died as a result of what I did, I could not live with myself. There is a conscience clause in the agency that says if somebody has a conscience problem when given an assignment, they do not have to do it. Well, Bolton said, if you do not do this, you are fired, and he fired her on the spot, according to her. She is going to go under oath and testify to this. Then he found out he could not fire her because she was protected by Civil Service. She comes back to work, and what do they find? Her entire office had been moved. Where is it moved? To the basement of the building. No telephone. A desk and a chair. She loved her job, and she eventually got a telephone down there and worked around John Bolton and stayed there doing her work.

This is yet another story. So we have a pattern of abusive behavior. Some of my friends on the other side of the aisle say, this is just the person we need for the U.N.—somebody tough. If you want someone in the U.N. who has a history of trying to change intelligence information—and now the world knows it.

As my ranking member JOE BIDEN has stated, this is the guy who may have to make the intelligence case against Iran. This is the guy who may have to make the intelligence case against North Korea with this background of using political pressure to get the kind of intelligence he wanted to build a case. This is not the right person. We do not want someone there who will politicize intelligence gathering. I don't think we want someone there who is such a hothead that it will turn a lot of people off.

We have testimony from multiple sources. At first, my friends on the other side of the committee said it is an isolated incident; you are talking about one incident. We have incident after incident.

Oh, he is just the person we need. We want someone tough. Tough is one thing. Tough and principled and committed is one thing. Abusing people is something else. A man is called a serial abuser by someone who has the credentials to know—e-mails back this up—trying to get people fired because they want to do their job.

It was so bad that Colin Powell, the Secretary of State, had to actually go and talk to all these ''independent'' analysts; his message was, don't you worry about it. You continue to do your work. I thank him for that. The testimony is clear. He went there and told those analysts, don't you be bullied. I am using those words. But the message he had was, don't you worry about it. Do your work. Do your job. It is very clear.

How refreshing it was to see Senator VOINOVICH, at the committee, listen to what Senator BIDEN, in particular, was saying. They had the information, chapter and verse, proof of why this is not a good appointment.

I know the pressures that have come to bear on Senator VOINOVICH. It is not pleasant to be alone. I have been there. I know how it feels. But he is answering to his conscience. I think he did the Senate proud by doing that.

Now we hear other colleagues on the committee saying maybe they need more time and more information.

Again, this can all be avoided. There are so many other people who can do this job. I said before that John Bolton is very loyal to this conservative doctrine. There could be many positions for him in the administration. We need someone in the spirit of John Danforth—Republican, conservative, wonderful former Senator who went to the United Nations, who immediately had the support and the credibility and the respect.

In closing, I will talk about an issue I know the Presiding Officer has been very involved with, and that is the filibuster issue. As someone who once wanted to end a filibuster myself at an early stage, I now understand how foolish I was at that point. Why did I want it to end when I first came here as freshman? We had the majority and the Republicans were thwarting us. It was very frustrating. We wanted to fix everything. I voted to say this filibuster has to go.

Little did I realize that is the way the Senate is supposed to operate in a deliberative fashion. As one of the Founders said, the House is the cup. It gets hot. It is steaming. And when the issues get to the Senate, it is the saucer. They cool down. One of the ways to ensure that is to have extended debate.

FILIBUSTER

Mrs. BOXER. Mr. President, there has been so much misinformation on the filibuster I want to make sure I put my thoughts into the record. We hear Republican Senators actually get up and say they never filibustered any judges. I was stunned, so we went back into history and we have a chart for that.

The first filibuster in modern times was started by the Republicans in 1968 against Abe Fortas for the Supreme Court. We know there have been 11 in recent times, 11 filibusters. Here is one in 1971, probably started by the Democrats, William Rehnquist to be a Supreme Court justice. Here is one in 1980, probably started by the Republicans, Stephen Breyer, to be a judge on the First Circuit Court of Appeals. Then in 1984 Harvie Wilkinson, Fourth Circuit Court of Appeals. In 1986, Sydney Fitzwater, to be a judge for the Northern District of Texas. 1992, Edward Earle Carnes to be judge on the Eleventh Circuit. 1994, Lee Sarokin to be a judge on the Third Circuit Court of Appeals. In 1999, Brian Theodore Stewart, to be a judge for the District

of Utah. In the year 2000—and this is my State—there was a major filibuster; we fought hard and we beat the filibuster. We got the votes needed, Richard Paez to be a judge on the Ninth Circuit Court of Appeals and Marsha Berzon to be a judge on the Ninth Circuit.

When we hear Republicans say they never launched a filibuster, you can ask, what? Here is Bob Smith who led the filibuster, Republican, from New Hampshire. Here is what he said:

> . . . It is no secret that I have been the person who has filibustered these two nominations, Judge Berzon and Judge Paez.

Here he is again:

> So don't tell me we haven't filibustered judges and that we don't have the right to filibuster judges on the floor of the Senate. Of course we do. That is our constitutional role.

Here is a Republican Senator who started a filibuster against two judge nominees for the Ninth Circuit. He called this a ''constitutional role.'' Now we have other Republicans saying the constitutional option is no filibuster. Wrong. You are contradicting your own people here.

Now, ORRIN HATCH himself admitted there were filibusters on the floor:

> Indeed, I must confess to being somewhat baffled that, after a filibuster is cut off by cloture, the Senate could still delay a final vote on nomination.

That is ORRIN HATCH. This is the major point I want to make, Who is the real leader out there pushing to end the filibuster on judges? Pushing, pushing, pushing?

And, by the way, it is unbelievable we have confirmed 205 of George W. Bush's nominees to the courts. We have stopped 10. Let me say it again: 205 have gotten through and we have stopped 10.

Now, do the math, and I will say to you: In your life, if you get 95 percent of what you want, wouldn't you go around with a smile on your face? I would. If I got 95 percent of what I wanted from the Senate, I would be so happy. If I got 95 percent of what I wanted from my family—if they sought my way 95 percent of the time—I would be happy; especially when they were teenagers, I would be really happy.

But do you know what. If I were arrogant, and I wanted everything, and I thought I knew best all the time, and I wanted to grab all the power, I would be sunk. So these folks over here, who got 95 percent of what they wanted—205 judges, and then 10 whom we thought were out of the mainstream—and, by the way, wow, are they out of the mainstream—they are unhappy. And now they are going to change the rules in the middle of the game.

For 200 years of our Constitution we have been able to speak and express ourselves. I have to tell you, this is dangerous to our democracy. When one party wants its all, when one party wants to stop minority rights, that is dangerous. And that is where we are.

But here is the best of all—and I hope people will know this—when we had this filibuster on Marsha Berzon, and when we had this filibuster of Richard Paez, guess who voted to keep the filibuster going on Richard Paez. I will give you a clue. He appeared on a big screen over the weekend. I will give you another clue. He was elected by the Republicans to be the majority leader of the Senate, BILL FRIST. He says filibusters are terrible, filibusters are wrong. Yet he voted to continue the filibuster on Richard Paez.

Mr. President, I ask unanimous consent that Executive vote No. 37 of March 8, 2000, on Richard Paez to cut off the filibuster be printed in the RECORD.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

YEAS—85

Abraham (R–MI)	Gorton (R–WA)	Moynihan (D–NY)
Akaka (D–HI)	Graham (D–FL)	Murray (D–WA)
Ashcroft (R–MO)	Grams (R–MN)	Nickles (R–OK)
Baucus (D–MT)	Grassley (R–IA)	Reed (D–RI)
Bayh (D–IN)	Gregg (R–NH)	Reid (D–NV)
Bennett (R–UT)	Hagel (R–NE)	Robb (D–VA)
Biden (D–DE)	Harkin (D–IA)	Roberts (R–KS)
Bingaman (D–NM)	Hatch (R–UT)	Rockefeller (D–WV)
Bond (R–MO)	Hollings (D–SC)	Roth (R–DE)
Boxer (D–CA)	Hutchison (R–TX)	Santorum (R–PA)
Breaux (D–LA)	Inouye (D–HI)	Sarbanes (D–MD)
Bryan (D–NV)	Jeffords (R–VT)	Schumer (D–NY)
Burns (R–MT)	Johnson (D–SD)	Sessions (R–AL)
Byrd (D–WV)	Kennedy (D–MA)	Smith (R–OR)
Campbell (R–CO)	Kerrey (D–NE)	Snowe (R–ME)
Chafee, L. (R–RI)	Kerry (D–MA)	Specter (R–PA)
Cleland (D–GA)	Kohl (D–WI)	Stevens (R–AK)
Cochran (R–MS)	Kyl (R–AZ)	Thomas (R–WY)
Collins (R–ME)	Landrieu (D–LA)	Thompson (R–TN)
Conrad (D–ND)	Lautenberg (D–NJ)	Thurmond (R–SC)
Coverdell (R–GA)	Leahy (D–VT)	Torricelli (D–NJ)
Crapo (R–ID)	Levin (D–MI)	Voinovich (R–OH)
Daschle (D–SD)	Lieberman (D–CT)	Warner (R–VA)
Dodd (D–CT)	Lincoln (D–AR)	Wellstone (D–MN)
Domenici (R–NM)	Lott (R–MS)	Wyden (D–OR)
Dorgan (D–ND)	Lugar (R–IN)	
Durbin (D–IL)	Mack (R–FL)	
Edwards (D–NC)	McConnell (R–KY)	
Feingold (D–WI)	Mikulski (D–MD)	
Feinstein (D–CA)		
Fitzgerald (R–IL)		

NAYS—14

Allard (R–CO)	Enzi (R–WY)	Inhofe (R–OK)
Brownback (R–KS)	Frist (R–TN)	Murkowski (R–AK)
Bunning (R–KY)	Gramm (R–TX)	Shelby (R–AL)
Craig (R–ID)	Helms (R–NC)	Smith (R–NH)
DeWine (R–OH)	Hutchinson (R–AR)	

NOT VOTING—1

McCain (R–AZ)

Mrs. BOXER. So let's hold people accountable for what they do and say. I admit I was foolish on the filibuster when I was a freshman and I came in here. I also wanted everything to go my way. I was wrong. And it is hard for a Senator to say they are wrong. We do not like to admit it. But I was wrong. But how can BILL FRIST lead the charge, say that filibusters are wrong, it is terrible, it is awful, it is against the Constitution, and everything else he says—which I do not agree with any of what he said—and then not address the fact that he voted to sustain a filibuster. It does not make sense.

We have soldiers dying in Iraq, in Afghanistan. Lord knows where they are going to go in this very dangerous world. And the mission: to make sure democracy thrives. Do you know that when I was in Iraq, we were told one of the reasons the minority groups there, the Kurds, felt comfortable was they knew they were going to copy the model of this democracy, including the filibuster?

They said: Oh, we know we are going to have our rights heard because we are going to have the right to filibuster. They even told that to a Republican Senator who went over there.

By the way, when I was in the Palestinian territories—this is another interesting part of my trip—the first thing the Palestinians said they want to do is make sure their people get a monthly social security benefit that is guaranteed. I truly wanted to ask the Minister there—I think he was the Minister of the Interior—to please contact President Bush and tell him that a guaranteed social security benefit was their first priority, as the President tries to undo the guaranteed benefit for Social Security. That trip I went on was fascinating in so many different ways. But mostly, what I realized was, we need to be the model of freedom and democracy. If we start taking away minority rights, if we start saying we cannot stand to hear each other—by the way, I understand it. I know it is painful to hear me speak for some of my colleagues who do not agree with me. They say: Oh, I can't listen to one more word. And I feel the same way when they start talking about things with which I fundamentally disagree.

But that is what it is about here because all of America has to be represented here, from the most liberal, to the most conservative, to everything in between. All of us have to feel represented. But if we stop the ability of the other to debate and discuss, especially on judges, where it is a lifetime appointment, at a very high salary—they never have to face the electorate. This is the only moment.

So what if we say they have to meet a higher bar? That is a good thing on behalf of the people. Because—guess what—do you know what they rule on? They rule on everything to do with your life. They rule on whether there should be child labor. They rule on whether you should be harassed and exploited in the workplace. They rule on whether you have the right to clean air and safe drinking water. They rule on everybody's rights: voting rights, civil rights, human rights. They rule on whether your child can get a good education. They rule on whether corporate America must provide a safe workplace for you. They rule on whether the Federal Government can say that people who pollute have to clean up that pollution.

Why do you think there are so many people who want to get every single judge? Because they want judges of a certain philosophy. That is wrong. We should work for mainstream, fair judges—that is what we need on the bench—who can see all sides. But when one side wants everything, when 95 percent is not enough, when 205 to 10 is not good enough, beware of what is coming down. Do not change the rules

in the middle of the game. That is not fair. That is not right. It is throwing a fit over something, when you have gotten 95 percent of what you want.

You do not change the rules in the middle of the game, like they did in the House on the Ethics Committee. Do not do that. That is not right, it is not fair, and it is wrong. It is wrong for the American people.

Everyone in the world looks to America—everyone in the world. When we start weakening our rules around here, and weakening the rights of the people to exercise the rights they have been given as Senators, we are in a lot of trouble.

So, Mr. President, I have gone through a number of issues, starting off with the most solemn, which was reading the names of those in the military who have died, who were either from California or were based in California. I promised my constituents I would always come to the floor periodically to remember them. The saddest thing: 26 percent of the dead soldiers happened to be either from California or based in California. That is a huge number. So it is with a very heavy heart that I did that.

But we have a lot to do, a lot on our agenda. I hope we will stay focused on the things that matter to the people—on the things that matter to the people. Let's not spend time changing the rules of the Senate that we have had for so many years. Let's not do that. Let's do the work. Let's get a success strategy for Iraq. Let's get health care for our people. Let's get education for our children. Let's make sure the air is clean and the water is safe, that we protect our beautiful places. Let's make sure we attack this issue of gas prices, which in my State we are seeing $3 a gallon. I wrote to the FTC, and I said: Please investigate what is going on with the refiners. Please look at these mergers that are coming at us now that will make it even worse.

We have work to do. But, no, we have to have our leader go on a Sunday, or whatever, and—big publicity—address a group about changing the rules of the filibuster. This does not meet the test, it seems to me, of doing the job.

We know there will be fallout. That is the nuclear option, and nuclear explosions have fallout. It doesn't mean shutting down the Senate, but I can assure you, it is going to mean working harder in the Senate, working really hard, working on some things that maybe we haven't worked on in a while, forcing that. But I have to tell you, 205 to 10, you should be smiling, not frowning, not addressing people and saying how terrible you are doing. You should be happy. It is a heck of a lot better than a lot of Democratic Presidents have done. You should be happy.

You should bring us judges that are mainstream, and there wouldn't be any filibusters. I have supported so many. You succeeded 205 times. You failed 10 times because you tried to put people on there who really were so far out of the mainstream it would be dangerous.

Can't we compromise this thing and come together? Let's get back to work.

I ask unanimous consent that my prepared text on the Weldon amendment be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

WELDON AMENDMENT

Mr. President, I rise this evening to talk about the Weldon amendment, a sweeping provision endangering women's health that was slipped into the 2005 appropriations bill at the last minute without any hearings, discussions, or votes.

In November, Senator Frist promised me an up or down vote on repealing the Weldon amendment by the end of April. Last week, I decided to hold off on that vote for the time being.

First, the Weldon amendment will expire in less than 6 months. I believe that the best way to defeat this provision right now is to work with Senator Harkin and Members on both sides of the aisle to remove or modify it in the next spending bill.

I have talked at length with Senator Harkin about this. He has promised that he will work closely with Senator Specter and me to underscore our commitment to a real conscience clause for doctors and hospitals without undermining our commitment to the health of women across our country.

Second, two lawsuits have already been filed challenging the constitutionality of Weldon. Their arguments are compelling and I believe that the plaintiffs one of which is the California attorney general—will prevail.

There has been a lot of misinformation about Weldon. So I thought it would help to show this provision in black and white:

Here is what Weldon says:

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization or plan.

I have read this language over and over again. And nowhere do I find the words ''religion, morals, beliefs, or values.''

That is because Weldon is not a conscience clause. It is a denial clause because it could deny women emergency care when their lives are in danger, deny low-income rape victims reproductive health care, deny doctors the right to give their patients vital information, and deny states the ability to enforce critical laws ensuring the health of women.

Some are saying that Weldon is needed to protect the religious beliefs of doctors and hospitals that don't want to perform abortions. But that is not true.

No Federal law forces any doctor to perform an abortion. And no Federal law forces any hospital to perform an abortion, unless the woman will die without an emergency procedure.

In fact, we already have many Federal and State laws protecting the conscience of our health care providers, including the 1973 Church amendment.

That conscience clause says that public authorities may not require any individual or health care entity that receives financial assistance under our federal health programs to perform or assist in the performance of any sterilization procedure or abortion if his performance or assistance in the performance of such procedure or abortion would be contrary to his religious beliefs or moral convictions make its facilities available for the performance of any sterilization procedure or abortion if the performance of such procedure or abortion in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions, or provide any personnel for the performance or assistance in the performance of any sterilization procedure or abortion if the performance or assistance in the performance of such procedures or abortion by such personnel would be contrary to the religious beliefs or moral convictions of such personnel. Or discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or discriminate in the extension of staff or other privileges to any physician or other health care personnel, because he performed or assisted in the performance of a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting sterilization procedures or abortions.

It is not just the Federal law that offers protections. As you can see on this chart, some 46 States—almost every one of them—have enacted their own conscience clauses for doctors and providers who don't want to provide abortions.

Some are claiming that Weldon is simply a clarification of current law. I find that amazing, given that it takes hours for even the most seasoned attorneys and lawmakers to make any sense of this provision. There is nothing clarifying about it.

Weldon is a giant loophole that effectively bars federal, state, and local governments from enforcing laws protecting the reproductive health of women.

Most Americans, including most people of faith, believe that we need to strike the right balance between honoring personal beliefs and protecting the public at large.

In one survey, 89 percent of people said they oppose allowing insurance companies to refuse to pay for medical services on religious grounds.

Weldon takes it a step further, allowing any insurance company, HMO, or other entity to refuse to provide services or referrals on any grounds, and in any circumstances, even if a woman's life is in danger.

Late last week, Rev. Carlton Veazey, the president of the Religious Coalition for Reproductive Choice, brought me 2,000 petitions from people of faith in all 50 States.

These petitions said that, ''Weldon is not just bad law, it is immoral law, dangerous law, and women will be hurt by it, some perhaps even killed by it.''

What do our consciences say about that?

What do our consciences say about helping the thousands of women who become pregnant as a result of rape each year? The Weldon amendment makes no exceptions for them, or for women whose lives are in serious danger.

Weldon tells our State and local governments that they can not ensure that any woman, including victims of rape and incest, receive abortion referrals and services without losing all their Federal health, education, and labor funding.

Weldon tells our State and local governments that their title X clinics no longer

have to refer a poor woman who asks about an abortion, even if she has been raped or her life is in danger.

Weldon tells our State and local governments that they should no longer honor the Hyde amendment, which provides Medicaid coverage for low-income women who are victims of rape or incest, or whose lives are in danger.

Here is what the Hyde amendment says:

None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion. . . .

The limitations established in the preceding section shall not apply to an abortion (1) if the pregnancy is the result of an act of rape or incest; or (2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. . . .

What if a poor woman is raped by her uncle? Say she does not have a job. She relies on Medicaid for her health care. She is not told about the option of emergency contraception and becomes pregnant.

What if she cannot emotionally bear to give birth to her relative's child—her rapist's child?

Under the Hyde amendment we say Medicaid must pay for her abortion if she is the victim of rape or incest. But, under Weldon, that is no longer the case.

What if she goes to her regular Medicaid managed care organization, but is never told that these services are covered, and never referred anywhere else? The States can no longer enforce the Hyde amendment, or even their own laws helping rape and incest victims.

What do our consciences say about helping women who will die without emergency abortions?

Weldon has no exceptions for women whose lives are in danger.

It tells States that they cannot enforce laws ensuring that poor women who face life-threatening situations will receive abortion referrals or services.

It undermines the 1986 Federal Emergency Medical Treatment and Active Labor Act, EMTALA, which says that if a pregnant woman comes to a hospital with a life-threatening situation, she will receive the treatment needed to be stabilized, even if that includes an abortion.

This law states:

If any individual comes to a hospital and the hospital determines that the individual has an emergency medical condition, the hospital must provide . . .

. . .within the staff and facilities available at the hospital, for such further medical examination and such treatment as may be required to stabilize the medical condition, . . .

A San Francisco doctor called my office to tell some of these tragic stories. One of her patient's blood was not clotting. She was bleeding for over an hour.

If she had been sent home or encouraged to continue her pregnancy, she would have likely died. Thankfully, she got care.

Another woman, a married mother, came to the hospital with an ectopic pregnancy, which means the pregnancy was developing in her cervix. If a woman grows a pregnancy in her cervix, she can die.

Again, this doctor was able to save her life.

But, what if these woman had walked into a hospital that refused to provide emergency abortions?

The Congress passed the Emergency Treatment and Active Labor Act to ensure that no one is ever turned away if their lives are in danger.

Now, Weldon tells a hospital or HMO to ignore this law. It says they can let a woman die if they don't want to perform an abortion.

And there is nothing States can do about it without losing all their Federal labor, health, and education funding.

Weldon allows all health care companies to gag doctors, and deny women vital information about their reproductive health options.

Weldon tells State and local governments they can no longer protect the doctor-patient relationship through Federal or State laws without losing all their Federal health, education, and labor funding.

Weldon conflicts with current title X Federal regulations, which require family planning clinics to:

Offer pregnant women the opportunity to be provided information and counseling regarding each of the following options:

(A) Prenatal care and delivery;

(B) Infant care, foster care, or adoption; and

(C) Pregnancy termination.

(ii) If requested to provide such information and counseling, provide neutral, factual information and nondirective counseling on each of the options, *and referral upon request*, except with respect to any option(s) about which the pregnant woman indicates she does not wish to receive such information and counseling.

Under Weldon, a title X clinic can take our funding, but refuse to give women information. Think about what this could mean for the poor women who rely on these clinics.

Last year, a married Latina woman in her early 30s came to one of our title X family planning clinics in Los Angeles. She had two children under six.

She had been to the clinic before because her husband is unfaithful. He had infected her with severe STDs.

When she became pregnant again, she was very scared about having the baby. Her home life was extremely unstable, and she was worried about the impact of STDs on the fetus.

She made the extremely difficult decision to have an abortion. She asked the clinic to refer her. It did. That was the law.

But now Weldon is in direct conflict with this Federal regulation saying that title X family planning clinics that serve poor women must give them a referral if asked.

Now clinics can ignore this law. Women can be left without information. And States have no power to act.

The American College of Obstetricians and Gynecologists says:

The Federal refusal clause would jeopardize a physician's ability to inform a patient of all her legal medical options at federally funded Title X family planning clinics, and would categorize the Title X referral requirement as discriminatory—effectively gagging physicians across the country.

According to ACOG ethical guidelines, ''Under all conditions of practice . . . consultation and referral should be carried out in the patients' best interest.''

Weldon is not in the patient's best interest. It allows title X clinics, HMOs, and anyone else to deny our health care professionals their right to free speech and their patients the right to full information about their options.

If States try to enforce their own laws, they could lose billions of dollars in Federal labor, health, and education funding. For example:

All 50 States have the power to ensure that hospital mergers don't undermine the public interest. In some cases, an attorney general might determine that, for a merger to go forward, the two parties must find some way to protect the reproductive health care of women.

The Indiana supreme court has held that limits on State medical assistance for abortion in cases of life endangerment, rape or incest are unconstitutional under the State constitution because they do not include exceptions for women's health.

The New Mexico supreme court held that a regulation limiting medical assistance for abortion in cases of life endangerment, rape or incest is unconstitutional under the New Mexico constitution.

A court in Illinois has held that under a law limiting State medical assistance for abortion to cases of life endangerment is unconstitutional, under the constitution of Illinois.

Under Weldon, States face a Hobson's choice between denying reproductive health services and information to women or losing billions of dollars in Federal labor, health, and education funding.

They are told they have to ignore their constitutions, to ignore Federal law and State law. They are told they no longer can find creative ways to ensure women's health.

In New Jersey, a court approved an arrangement that set aside some of the assets of a secular hospital prior to its acquisition by a Catholic hospital.

The assets were meant to support the continuation of the secular hospital's mission of providing reproductive health services, which it would not be able to fulfill after the merger.

Now, New Jersey can no longer enforce this arrangement without risking more than $7 billion in Federal funding.

Now, some say that States are free to enforce laws protecting reproductive health. They say States can do whatever they want if they just give up Federal funds. Sure.

Let's look at what States would lose. And, keep in mind: these numbers are very conservative.

This chart has California losing at least $37 billion in Federal funding, but our Attorney General has put the number at $49 billion.

No State can afford to give up substantial resources that help educate and care for its children, provide for and train its workers, and bring health care to all its citizens.

This is not about choice, it is about coercion.

That is one of the many reasons why the California attorney general has sued in Federal court, a lawsuit that I believe will prevail.

The suit says the Weldon amendment is unconstitutional because it restricts a woman's right to abortion when necessary to preserve her life or health.

It says that Weldon exceeds Congress's spending power because it is so vague.

In South Dakota v. Dole, 1987, the court said that when ''Congress desires to condition the States' receipt of federal funds, 'it must do so unambiguously , enable[ing] the States to exercise their choice knowingly, cognizant of the consequences of their participation.'''

Another lawsuit filed in the District of Columbia on behalf of health care clinics makes the same claim. It says: ''The amendment 'leaves Title X grantees to guess how to meet Weldon's mandate while meeting the mandates of [Title X regulations], and, indeed, whether this is even possible.'''

If States aren't sure how to comply with Weldon, they cannot make a knowing choice. And, with the amount of funding at stake, they are bound to err on the side of extreme caution, thereby creating a chilling effect.

The California lawsuit says that Federal funding conditions must be rationally related to the Federal interest in the program receiving them.

What does unemployment insurance or No Child Left Behind funds have to do with reproductive health?

Nothing. But the penalties under Weldon are so unconstitutionally extreme and coercive that States have no choice but to comply.

This amendment is unconstitutional and dangerous.

It is not a conscience clause. We already have that.

It is a denial clause that will cause unnecessary hardship for victims of rape, women whose lives are in danger, poor women who rely on their doctors for information, and States that will be forced to choose between protecting women and losing billions of dollars in funds.

If the Senate wants a new conscience clause, we can draft a real conscience clause.

I will work with my colleagues on both sides of the aisle to do just that.

But I will not back down until we alter or repeal the Weldon language as written and do right by the women, doctors, and States across America.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER (Mr. CORNYN). Under the previous order, the Senate stands adjourned until 9:45 a.m. on Tuesday, April 26, 2005.

Thereupon, the Senate, at 6:20 p.m., adjourned until Tuesday, April 26, 2005, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 2005:

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

JAMES H. BILBRAY, OF NEVADA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

PHILIP COYLE, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ADMIRAL HAROLD W. GEHMAN, JR., UNITED STATES NAVY, RETIRED, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAMES V. HANSEN, OF UTAH, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

GENERAL JAMES T. HILL, UNITED STATES ARMY, RETIRED, OF FLORIDA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

GENERAL LLOYD W. NEWTON, UNITED STATES AIR FORCE, RETIRED, OF CONNECTICUT, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ANTHONY JOSEPH PRINCIPI, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SAMUEL KNOX SKINNER, OF ILLINOIS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

BRIGADIER GENERAL SUE ELLEN TURNER, UNITED STATES AIR FORCE, RETIRED, OF TEXAS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION (NEW POSITION), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BRIAN D. MONTGOMERY, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JOHN CHARLES WEICHER.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHARLES E. JOHNSON, OF UTAH, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE JANET HALE, RESIGNED.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ROBERT B. HOLLAND III, OF TEXAS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS, VICE CAROLE BROOKINS, RESIGNED.

DEPARTMENT OF STATE

ROGER DWAYNE PIERCE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO REPUBLIC OF CAPE VERDE.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL RITA M. BROADWAY, 0000
BRIGADIER GENERAL BRUCE A. CASELLA, 0000
BRIGADIER GENERAL DAVID L. EVANS, 0000
BRIGADIER GENERAL WILLIAM H. JOHNSON, 0000
BRIGADIER GENERAL LARRY KNIGHTNER, 0000
BRIGADIER GENERAL DENNIS E. LUTZ, 0000
BRIGADIER GENERAL ROBERT A. POLLMANN, 0000
BRIGADIER GENERAL WILLIAM TERPELUK, 0000
BRIGADIER GENERAL BRUCE E. ZUKAUSKAS, 0000

To be brigadier general

COLONEL LIE-PING CHANG, 0000
COLONEL PAUL E. CRANDALL, 0000
COLONEL STUART M. DYER, 0000
COLONEL GEOFFREY A. FREEMAN, 0000
COLONEL WILLIAM D. FRINK, JR., 0000
COLONEL WILLIAM H. GERETY, 0000
COLONEL GEORGE R. HARRIS, 0000
COLONEL JEFFREY A. JACOBS, 0000
COLONEL DEMPSEY D. KEE, 0000
COLONEL DOUGLAS E. LEE, 0000
COLONEL CHARLES D. LUCKEY, 0000
COLONEL BERT K. MIZUSAWA, 0000
COLONEL ELDON P. REGUA, 0000
COLONEL STEVEN W. SMITH, 0000
COLONEL RICHARD A. STONE, 0000
COLONEL ROBIN B. UMBERG, 0000
COLONEL MARGARET C. WILMOTH, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 152:

To be general

GEN. PETER PACE, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 154:

To be admiral

ADM. EDMUND P. GIAMBASTIANI, JR., 0000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be lieutenant

DANIEL J PRICE
STEPHEN Z KROENING
JESSICA S KONDEL
SHANNON M RISTAU
NICOLE S LAMBERT
CHADWICK A BROWN
NICOLE D COLASACCO
CHAD M CARY
JENNIFER E PRALGO
SEAN D CIMILLUCA
CHARLES J YOOS III
KEITH A GOLDEN
SHAWN MADDOCK
WILLIAM D WHITMORE
DOUGLAS E MACINTYRE
SARAH L DUNSFORD
SARAH K MROZEK
JOSHUA D BAUMAN

To be lieutenant (junior grade)

MICHAEL C DAVIDSON
DAVID E FISCHMAN
SILAS M AYERS
PAUL A HOUSEHOLDER
NICOLA SAMUELSON
PATRICK L MURPHY
COLIN D LITTLE
LEAH A HARMAN
JASON R MANSOUR
MICHAEL J STEVENSON
BRIANA J WELTON
ABIGAIL S HIGGINS
BRENT J POUNDS
AMANDA L GOELLER
SARAH E JACKSON
TIMOTHY D SALISBURY
BENJAMIN S SNIFFEN
MARK A BLANKENSHIP
FIONNA J MATHESON
JONATHAN E TAYLOR
ANDREW P HALBACH
NATHAN S PRIESTER
WILLIAM I WELLS
SARAH K JONES
STEPHEN P BARRY

EXTENSIONS OF REMARKS

TRIBUTE TO JEFFERSON ECONOMIC COUNCIL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to the Jefferson Economic Council, Colorado's oldest economic development agency. Early next month, the council will be celebrating its 50th anniversary.

The Jefferson Economic Council has worked tirelessly over the last half-century to brighten the future of Jefferson County businesses. And even after fifty years, the Council remains the premier business organization in Jefferson County, adapting to a rapidly changing economy. The council works with county government, cities, other economic development organizations, chambers of commerce, and the business community to create cooperation and common voice for business in the county.

Mr. Speaker, as the council is fond of saying, the greatest strength of any organization is its people. I believe that is true. The hard work and dedication of the members of this organization to improving the business climate and more generally building a better community over the last five decades have been invaluable contributions to the county that I—and many other Colorado residents and businesses—call home.

HONORING POPE BENEDICT XVI

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Mr. EMANUEL. Mr. Speaker, as people of many faiths around the world celebrate the historic election of Pope Benedict XVI, we look toward His Holiness for faith and inspiration in addressing today's challenges and opportunities for peace and progress.

News of the Pontiff's election was greeted with great enthusiasm by many in the Fifth Congressional District of Illinois, home to St. Benedict Parish on Chicago's Northwest side. The dedicated parishioners of St. Benedict are delighted that the Pope has selected the name of their patron saint and thus feel a special connection to him.

Since the sixth century, the Benedictine tradition reflected austerity and continuous pursuit of knowledge. These principles formed the cornerstone of Saint Benedict Parish, which was founded on the Northwest side of Chicago in 1902. The new parish was created to serve as an educational center for the area's burgeoning German Catholic population. Pope Benedict XVI, a longtime and learned university professor, has demonstrated a life-long commitment to excellence, wholly fitting the tradition of his namesake.

The Fifth District is also home to many people who share German ancestry with Pope Benedict XVI, who was born in Marktl am Inn, Germany. The parishioners of St. Benedict, St. Alphonsus and others have reason to be proud of the first Pope of German ancestry in nearly a millennium.

Pope Benedict XVI is endowed with great vision, intellect, and knowledge of the Church's rich history and tradition. He is further blessed by long service and loyalty to His Holiness, the late Pope John Paul II, whose divine wisdom and charisma set a shining example of leadership and guidance for all who follow him.

Mr. Speaker, on behalf of the parishioners of St. Benedict, St. Alphonsus and indeed all of Chicago, I wish Pope Benedict XVI good health, longevity and success as the Bishop of Rome and leader of the Roman Catholic Church.

ASTAR AIR CARGO EARNS MILITARY HONORS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I congratulate the employees and management of ASTAR Air Cargo, which is headquartered in my congressional district in Miami.

In April, the U.S. Air Force Air Mobility Command presented awards to 102 ASTAR Air Cargo employees who operated missions for Operation Enduring Freedom and Operation Iraqi Freedom in 2003. The all-American ASTAR team was put together by John Dasburg, the Chairman, CEO, and President who is a Vietnam veteran. ASTAR is dedicated to providing superior service, and the U.S. military has chosen to recognize that publicly.

U.S. Air Force Major General Mark Volcheff, Director of Operations of the Air Mobility Command, presented the awards to the ASTAR employees.

These awards highlight the dedication of ASTAR employees who are devoted to serving our country in a time of war. Eight loadmasters and three pilots will receive the Aerial Achievement Medals for meritorious achievement during cargo flight missions. These individuals—Harrow Clyde, Thomas Coleman, Anthony Estrella, Steven Garrett, Frank Haidet, Frank Richmond, Philippe Verbrugghen, John Winters, Captain Stan Kahan, First Officer James Huddleston, and Second Officer Bernard Richardson—are being honored for flying at least seven missions during the conflicts. In addition to those medals, the Air Force will present 91 Certificates of Appreciation to ASTAR operations and maintenance employees who performed critical functions in support of those missions.

The Air Mobility Command provides strategic airlift and aerial refueling for all of America's armed forces. The individuals honored displayed commendable efforts in the missions. Without their dedication, such missions would not be possible.

ASTAR flies Department of Defense missions and charters for the Air Mobility Command. The awards presented demonstrate that, in addition to ASTAR's regularly scheduled and special air charter services, ASTAR is committed to supporting U.S. Armed Forces missions and troops in harm's way. ASTAR is also a participant in the United States Civil Reserve Air Fleet program supporting our national defense.

TRIBUTE TO ROBERT RUSSELL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a man who has become a source of inspiration for the citizens of Tuscola County, in my district. On May 13, the County's Human Development Commission will gather in Caro for their Annual Meeting, where they will also honor the accomplishments of one of their early pioneers, Mr. Robert Russell, for 35 years of dedicated service to the organization.

The Human Development Commission, which celebrates its 40th anniversary this year, represents the legacy of the Economic Opportunity Act of 1964. Soon after its passage, Economic Opportunity Action Committees were established in Huron, Lapeer, Sanilac, and Tuscola Counties to explore the several possibilities made available by the Act. These committees formed the Human Development Commission on February 8, 1965, with a mission to "empower individuals and communities to identify their needs and secure resources necessary to achieve their goals of self-sufficiency and an improved quality of life.

Shortly after its inception, Bob Russell began his long and distinguished career with the HDC, highlighted by his leadership in various positions as a member of their Board of Directors, Advisory Council, and as a volunteer within various HDC programs. In addition, he represented his community as a member of the Vassar City Council for 10 years and the Tuscola County Commission for 18 years. Prior to this, he served his country proudly in the U.S. Air Force during World War II. All of the accomplishments aside, Bob is also, perhaps first and foremost, a loving husband, father and grandfather.

I am appreciative of Bob Russell's many years of leadership and for the untold number of individuals he has assisted, both personally and indirectly. He helped the agency and its customers overcome many obstacles and celebrate numerous successes. We will always be grateful for his willingness to be an original incorporator of the HDC and for his years of loyalty and dedication to its mission and vision.

Mr. Speaker, I ask the House of Representatives to join me in honoring a true public servant, Robert Russell. His service to his community and fellow citizens is a testament to everyone aspiring to make this a better world. His selfless commitment to service has been a benefit to the people of Michigan and beyond.

TRIBUTE TO KATHLEEN SWANSON

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to Ms. Kathleen Swanson. Kathleen has been selected as one of the recipients of the Milken National Educator award. The award is presented for excellence in teaching elementary education, and is designed to help bring recognition to the teaching profession by highlighting the exceptional performance of individual teachers in supporting and promoting student achievement.

Ms. Swanson is a literacy instructional coach at Stein Elementary in Lakewood, Colorado, and she has been teaching for seventeen years. In the past six years, Stein Elementary has gone from being one of the lowest performing schools to one of the highest Title I schools in Jefferson County. This is in no small part to the dedication of educational professionals like Ms. Swanson.

The Milken folks presenting her with the award aren't the only ones who have seen fit to recognize Ms. Swanson's contributions. In fact, the Resource Center at Stein Elementary was recently renamed the ''Kathleen Swanson Resource Room,'' and each class at Stein donated a book in her name to the library.

Mr. Speaker, I hope all of my colleagues will join me in thanking Ms. Swanson for her hard work, and congratulating her on being the recipient of this prestigious award.

GREENVILLE SAFE KIDS COALITION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Mr. INGLIS of South Carolina. Mr. Speaker, be advised that this resolution is to express appreciation to the Greenville SAFE KIDS Coalition for ten years of distinguished service to the state of South Carolina and our Nation in its work to protect children from unintentional childhood injuries.

Whereas, only a decade ago, Greenville was much less safe for children. Eighty percent of kids rode their bicycles without helmets. About 40 percent of older children traveled in motor vehicles without using a safety belt and countless younger kids did not ride in approved car seats. One in five families went to sleep each night without the benefit of a smoke alarm. In fact, unintentional childhood injury was the leading killer of children 14 and under in Greenville in 1994. To address what was a little-recognized problem Greenville SAFE KIDS Coalition was created.

Whereas, I am pleased to report that since the inception of the Greenville SAFE KIDS Coalition, there has been a dramatic 24 percent decline in the unintentional injury death rate among children 14 and under. The combined efforts of Greenville SAFE KIDS Coalition, under the leadership of Greenville Hospital System's Children's Hospital, have led to remarkable achievements in preventing childhood death and injury. The Coalition's multifaceted effort includes public awareness, education, distribution of safety devices, enactment and enforcement of laws, and a grassroots partnership program that embodies the countywide strategy that accounts for the progress.

Whereas, in 10 years, there has been a 50 percent decline in the child pedestrian injury death rate, a 10 percent decline in the child motor vehicle related death rate, a 34 percent decline in the death rate from childhood drowning, a 53 percent decline in the death rate from bicycle injuries and a 56 percent decline in the residential fire-related injury death rate. Unfortunately, even with these impressive advances, unintentional injury is still the number one killer of Greenville's children. Each year, more than 10 children die and more than 8,000 are injured seriously enough to require medical attention. That is a staggering one of four children. The program works with Emergency Rooms, physicians, schools, and Greenville County's Child Fatality Review Task Force to track trends on how and why injuries occur. Programs are then developed in specific injury areas to increase awareness and ultimately prevent injuries. Examples of their activities include assisting high risk families in obtaining smoke detectors, hosting monthly car seat inspections, distributing thousands of bike helmets, and teaching children about home safety through the nationally recognized Buddy's Home Improvement House.

Whereas, Greenville SAFE KIDS first-ever ''Progress Report on Preventing Unintentional Injuries'' tracks a decade of work in prevention. It presents a detailed picture of the particular risks that kill and disable more children than disease, homicide or suicide. This report also maps out a strategy for the next 10 years and issues specific calls to action across injury areas.

Whereas, in their 10th anniversary year, Greenville SAFE KIDS Coalition looks forward to continued growth through strategic partnerships with sponsors, health professionals, schools, legislators, industry and sister communities. Through these partnerships, Greenville SAFE KIDS will lead important advocacy initiatives that will result in safer environments for children at home, at school, at play and on the way. Greenville SAFE KIDS Coalition remains committed to reducing unintentional childhood injuries and keeping children out of GHS Children's Hospital.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That all members encourage parents, caregivers, schools, business leaders, legislators and health professionals to make preventing unintentional childhood injuries a priority and to continue supporting the efforts of Greenville SAFE KIDS Coalition to save and protect the lives of our children.

Be it further resolved that a copy of this resolution be forwarded to Greenville SAFE KIDS, South Carolina SAFE KIDS and National SAFE KIDS.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in opposition to S. 256, a bill to modify our Nation's bankruptcy system. I strongly support holding individuals responsible for paying debts they can reasonably afford. Our banks, credit unions, and other responsible financial institutions should not have to foot the bill for the individuals who take advantage of the system to intentionally avoid their debts. Efforts to curb the number of bankruptcies filed each year, which strain our responsible financial institutions and their ability to provide low-cost services to consumers should be pursued and supported.

But the fact is that millions of Americans face difficult and real financial circumstances that are caused by a personal or family healthcare crisis, unemployment, drastic changes in life situations, such as divorce and family death, and even military service. This legislation makes life much more difficult for hard working families who are already in crisis.

Bankruptcy attorneys from Minnesota whom I have spoken with share my concerns. They believe this bill will be particularly harmful to working families, especially those headed by single parents. Custodial parents will have a more difficult time collecting child support by diverting more of a debtor's money to creditors and allowing other non-child support debts to survive bankruptcy. This bill will also make it easier for landlords to evict families who are in bankruptcy from their homes sending parents and their children on to the streets. This bill strips the authority of bankruptcy judges to consider the special circumstances of working families who have found themselves in overwhelming debt.

While there has been much rhetoric regarding personal responsibility heard on the floor of the House, the bill completely fails to address consumer abuses by the credit card industry. Instead, this bill rewards irresponsible credit card companies who deceive consumers and target vulnerable families with questionable business practices and reckless lending. College students and individuals with already heavy debt loads are especially vulnerable to questionable marketing practices that offer easy credit at low rates that later increase to as much as 20 or 30 percent. Individuals must be responsible, but credit card companies must be held accountable for irresponsible business practices as well.

While credit card companies reap the benefits of this bill, about 50 percent of all families who are forced to file for bankruptcy do so because of expensive medical bills. In another 40 percent of circumstances, a person has suffered a death in the family, lost their job, or have recently divorced their spouse. Almost all who file for bankruptcy do so as a last resort and have other compounding financial challenges. Over 60 percent of bankruptcy filers have gone without medical care. Fifty percent have been unable to fill needed prescriptions. One-third have had their utilities turned off. Twenty-one percent have gone without food.

Numerous amendments that would have made this bill more balanced were rejected by the House Judiciary Committee. These include amendments that would have closed loopholes for millionaires, protected service members and veterans from means testing in bankruptcy, discouraged predatory lending practices, exempted debtors from means testing if their financial situations were caused by identity theft, limited the amount of interest that can be charged on any extension of credit to 30 percent, and, among several others, exempted debtors whose financial problems were caused by serious medical problems from means testing.

We must do something to curb the number of personal bankruptcies that strain our banks, credit unions, and responsible financial institutions. But we must not do so at the expense of children receiving court-ordered child support, our veterans, and college students and others lured by easy, high-interest credit.

IN SUPPORT OF THE MEDICAL LABORATORY WEEK IN FLORIDA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to commend and recognize the work of the health professionals who practice in medical laboratories. In Florida, we will be commemorating the ''Medical Laboratory Week'' from April 25 to April 29 of 2005.

These professionals include laboratory technicians, medical technologists, cytotechnologists, histotechnologists, pathologists, and phlebotomists. They are well educated and highly trained professionals who are an integral part of our healthcare system and vital for the provision of medical testing.

These professionals serve our communities with great dedication and perform an invaluable work that is essential for the diagnosis of medical conditions and monitoring of treatment. Their work is a great contribution to our society and serves to improve the quality of care that our patients receive and deserve.

Please join me in recognizing the professionals who work in laboratory medicine, who have an honorable profession and help to provide exceptional patient care in Florida and in our Nation.

TRIBUTE TO CH2M HILL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 2005

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to a local Colorado company, CH2M Hill. Since the December 26 Asian tsunami disaster, many Americans have looked into their hearts and reached their wallets in an effort to help alleviate suffering in Thailand, Indonesia, Sri Lanka, and other affected nations. The employees of CH2M Hill were no exception, quickly responding to the disaster not just with funds, but with critical know how and badly needed technical assistance.

CH2M Hill was one of the first companies on the scene, and one of the most active in providing critical services to victims. They partnered with other companies to provide clean drinking water to people in Indonesia, setting up a mobile water treatment unit that is providing safe drinking water to the bulk of the population in Banda Aceh. The quality of the water is equivalent to bottled water, and is currently being provided throughout the area, including to the U.N. compound and more than 10 refugee camps. It was the first privately donated system up and running in the region, purifying water at the rate of 600 gallons per minute, producing 864,000 gallons of purified water daily. This will help nearly a quarter-of-a-million people every day.

Mr. Speaker, I am proud of CEO Ralph Peterson and the employees of CH2M Hill. Their efforts are to be commended, and help demonstrate that the strength of America's compassion are always best measured by the efforts of individual citizens and private companies, not the number of government programs we create or the amount of federal money we appropriate.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 26, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 27

9:30 a.m.
Indian Affairs
To hold oversight hearings to examine regulation of Indian gaming.
SR–485

Judiciary
To hold hearings to examine the nomination of Paul D. Clement, of Virginia, to be Solicitor General of the United States, Department of Justice.
SD–226

Rules and Administration
Business meeting to markup S. 271, to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees.
SR–301

Intelligence
To resume hearings to examine the USA Patriot Act.
SH–216

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2006 for the Department of Defense.
SD–192

Health, Education, Labor, and Pensions
Business meeting to consider S. 655, to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention, proposed Patient Navigator Outreach and Chronic Disease Prevention Act of 2005, and S. 518, to provide for the establishment of a controlled substance monitoring program in each State.
SD–430

Homeland Security and Governmental Affairs
To hold hearings to examine how vulnerable the U.S. is to chemical attack.
SD–562

Aging
To hold hearings to examine redefining retirement in the 21st century workplace.
SD–G50

10:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nominations of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development, and to be a Member of the Board of Directors of the Commodity Credit Corporation.
SR–328A

11 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2006 for the Sergeant at Arms, the U.S. Capitol Police Board, and the Capitol Guide Service.
SD–124

APRIL 28

9:30 a.m.
Armed Services
To hold hearings to examine defense intelligence in review of the Defense Authorization Request for fiscal year 2006; to be followed by a closed hearing in SR–222.
SD–106

Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine a bill relating to the use of Video News Releases (VNRs) by government agencies.
SR–253

Health, Education, Labor, and Pensions
To hold hearings to examine access and accountability relating to providing quality post-secondary education.
SD–430

Joint Economic Committee
To hold hearings to examine medical liability reform.
2226 RHOB

10:30 a.m.
Appropriations
Homeland Security Subcommittee
To hold hearings for an overview of Bioterrorism and BioShield.
SD–192

Finance
Social Security and Family Policy Subcommittee
To hold hearings to examine building assets for low-income families.
SD–628

2 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine Department of Defense business practices, focusing on business transformation.
SD–562

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 242, to establish 4 memorials to the Space Shuttle *Columbia* in the State of Texas, S. 262, to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California, S. 336, to direct the Secretary of the Interior to carry out a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail, S. 670, to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement, S. 777, to designate Catoctin Mountain Park in the State of Maryland as the ''Catoctin Mountain National Recreation Area'', and H.R. 126, to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.
SD–366

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

3 p.m.
Judiciary
Immigration, Border Security and Citizenship Subcommittee
Terrorism, Technology and Homeland Security Subcommittee
To hold joint hearings to examine the use of technology to protect the borders relating to strengthening border security between the ports of entry.
SD–138

MAY 10

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the National Park Service's funding needs for administration and management of the national park system.
SD–366

MAY 11

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Federal recognition of Indian tribes.
SR–485

Judiciary
To hold an oversight hearing to examine the Federal Bureau of Investigation's translation program.
SD–226

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

CANCELLATIONS

APRIL 28

10 a.m.
Foreign Relations
To hold hearings to examine U.S. Assistance to Sudan and the Darfur Crisis.
SH–216

POSTPONEMENTS

3 p.m.
Finance
Taxation and IRS Oversight Subcommittee
To hold hearings to examine encouraging savings and investment.
SD–628

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4159–S4223

Measures Introduced: Seven bills and four resolutions were introduced, as follows: S. 893–899, and S. Res. 119–122. **Page S4184**

Measures Reported:

S. 629, to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems, with amendments. **Page S4184**

Measures Passed:

National Kindergarten Recognition Day: Senate agreed to S. Res. 119, designating April 21, 2005, as ''National Kindergarten Recognition Day''. **Pages S4159–60**

National Small Business Week: Senate agreed to S. Res. 120, honoring small businesses during the Small Business Administration's National Small Business Week, the week beginning April 24, 2005. **Pages S4160–62**

Anabolic Steroid Control Act Technical Correction: Senate passed S. 893, to make technical corrections in the Anabolic Steroid Control Act of 2004. **Page S4162**

Transportation Equity Act: Senate resumed consideration of the motion to proceed to consideration of H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs. **Pages S4162–77**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 10:45 a.m., on Tuesday, April 26, 2005, with a vote on the motion to invoke cloture thereon to occur at 11:45 a.m. **Page S4215**

Nominations Received: Senate received the following nominations:

James H. Bilbray, of Nevada, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate, to which position he was appointed during the last recess of the Senate.

Philip Coyle, of California, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate, to which position he was appointed during the last recess of the Senate.

Admiral Harold W. Gehman, Jr., United States Navy, Retired, of Virginia, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate, to which position he was appointed during the last recess of the Senate.

James V. Hansen, of Utah, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate, to which position he was appointed during the last recess of the Senate.

General James T. Hill, United States Army, Retired, of Florida, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate, to which position he was appointed during the last recess of the Senate.

General Lloyd W. Newton, United States Air Force, Retired, of Connecticut, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate, to which position he was appointed during the last recess of the Senate.

Anthony Joseph Principi, of California, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate, to which position he was appointed during the last recess of the Senate.

Samuel Knox Skinner, of Illinois, to be a Member of the Defense Base Closure and Realignment Commission, to which position he was appointed during the last recess of the Senate, to which position he was appointed during the last recess of the Senate.

Brigadier General Sue Ellen Turner, United States Air Force, Retired, of Texas, to be a Member of the Defense Base Closure and Realignment Commission, to which position she was appointed during the last recess of the Senate, to which position she was appointed during the last recess of the Senate.

Brian D. Montgomery, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Charles E. Johnson, of Utah, to be an Assistant Secretary of Health and Human Services.

Robert B. Holland III, of Texas, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years.

Roger Dwayne Pierce, of Virginia, to be Ambassador to Republic of Cape Verde.

26 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

1 Navy nomination in the rank of admiral.

A routine list in the National Oceanic and Atmospheric Administration. **Page S4223**

Enrolled Bills Presented: **Page S4182**

Executive Communications: **Pages S4182–84**

Additional Cosponsors: **Pages S4184–85**

Statements on Introduced Bills/Resolutions: **Pages S4185–94**

Additional Statements: **Pages S4180–82**

Notices of Hearings/Meetings: **Page S4194**

Authority for Committees to Meet: **Pages S4194–95**

Privilege of the Floor: **Page S4195**

Adjournment: Senate convened at 2 p.m., and adjourned at 6:20 p.m., until 9:45 a.m., on Tuesday, April 26, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4215.)

Committee Meetings

(Committees not listed did not meet)

PATENT REFORM

Committee on the Judiciary: Subcommittee on Intellectual Property concluded a hearing to examine the current and future U.S. patent system and perspectives on patent reform, after receiving testimony from Jon W. Dudas, Under Secretary of Commerce for Intellectual Property, and Director, United States Patent and Trademark Office; Richard C. Levin, Yale University, New Haven, Connecticut, and Mark B. Myers, University of Pennsylvania Wharton Business School, Philadelphia, both on behalf of the National Research Council Committee on Intellectual Property Rights in the Knowledge-Based Economy; William Parker, Diffraction, Ltd., Waitsfield, Vermont; Dean Kamen, DEKA Research and Development Corporation, Manchester, New Hampshire; David Simon, Intel Corporation, Santa Clara, California, on behalf of the Business Software Alliance; Robert A. Armitage, Eli Lilly and Company, Indianapolis, Indiana; Joel L. Poppen, Micron Technology, Inc., Boise, Idaho; and Michael K. Kirk, American Intellectual Property Law Association, Arlington, Virginia.

House of Representatives

Chamber Action

Measures Introduced: 1 public bill, H.R. 1812, was introduced. **Page H2476**

Additional Cosponsors: **Page H2476**

Reports Filed: No reports were filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Renzi to act as Speaker pro tempore for today. **Page H2475**

Senate Message: Message received from the Senate today appears on page H2475.

Senate Referral: S. 643 was held at the desk.

Quorum Calls—Votes: There were no votes or quorum calls.

Adjournment: The House met at 12 noon and adjourned at 12:04 p.m.

Committee Meetings

OF INQUIRY RESOLUTION—SOCIAL SECURITY TRUST

Committee on Ways and Means: Ordered reported adversely H. Res. 170, of inquiry requesting the President to transmit certain information to the House of Representatives respecting a claim made by the President on February 6, 2005, at a meeting in Portsmouth, New Hampshire, that there is not a Social Security trust.

COMMITTEE MEETINGS FOR TUESDAY, APRIL 26, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2006 for the Department of the Treasury, 9:30 a.m., SD–138.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine an update on money services businesses under bank secrecy and USA PATRIOT regulation, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nominations of Maria Cino, of Virginia, to be Deputy Secretary of Transportation, and Phyllis F. Scheinberg, of Virginia, to be an Assistant Secretary of Transportation, 10 a.m., SR–253.

Full Committee, to hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Transportation Security Administration and related programs, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the status of the Department of Energy's Nuclear Power 2010 program, 10 a.m., SD–366.

Subcommittee on Public Lands and Forests, to hold hearings to examine the preparedness of the Department of Agriculture and the Interior for the 2005 wildfire season, including the agencies' assessment of the risk of fires by region, the status of and contracting for aerial fire suppression assets, and other information needed to better understand the agencies ability to deal with the upcoming fire season, 2:30 p.m., SD–366.

Committee on Finance: to hold hearings to examine proposals to achieve sustainable solvency regarding personal accounts, 10 a.m., SD–628.

Committee on Foreign Relations: to hold hearings to examine the Millennium Challenge Corporation's global impact, 9:30 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Retirement Security and Aging, to hold hearings to examine mending the pension safety net, 10 a.m., SD–430.

Committee on the Judiciary: to hold hearings to examine S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, 9 a.m., SR–325.

Select Committee on Intelligence: closed business meeting to consider certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, on FCC, 1 p.m., H–309 Capitol.

Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies, on U.S. Postal Service, 10 a.m., and on National Archives and Records Administration, 3 p.m., 2358 Rayburn.

Committee on Education and the Workforce, hearing on No Child Left Behind: Supplemental Tutoring for Children in Underachieving Schools, 1:30 p.m., 2175 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled ''Drug Prevention Programs and the Fiscal Year 2006 Drug Control Budget: Is the Federal Government Neglecting Illegal Drug Use Prevention?'' 2 p.m., 2203 Rayburn.

Subcommittee on Federalism and the Census, hearing entitled ''The 70's Look: Is the Decades-Old Community Development Block Grant Formula Ready for an Extreme Makeover?'' 10 a.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, to mark up The Homeland Security Information Sharing and Enhancement Act of 2005, 2:30 p.m., 2128 Rayburn.

Committee on International Relations, Subcommittee on Africa, Global Human Rights and International Operations, hearing on Malaria and TB: Implementing Proven Treatment and Eradication Methods, 2 p.m., 2172 Rayburn.

Subcommittee on Europe and Emerging Threats, to mark up the following: H. Res. 195, Recognizing the 60th anniversary of Victory in Europe (VE) Day and the Liberation of Western Bohemia; and a resolution Recognizing the 60th anniversary of Victory (V–E) Day during World War II, 6 p.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on the Implementation of the USA PATRIOT Act: Sections of the Act that Address-Foreign Intelligence Surveillance Act (FISA). (Part 1)—Section 204: Clarification of Intelligence Exceptions from Limitations on Interception and Disclosure of Wire, Oral, and Electronic Communications; Section 207: Duration of FISA Surveillance of Non-United States Persons who are Agents of a Foreign Power; Section 214: Pen Register and Trap and Trace Authority Under FISA: Section 225: Immunity for Compliance with FISA Wiretap; and Lone Wolf, 10 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on H.R. 1751, Secure Access to Justice and Court Protection Act of 2005, 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries and Oceans, hearing on H.R. 1428, National Fish and Wildlife Foundation Reauthorization Act of 2005, 1 p.m., 1324 Longworth.

Committee on Rules, to consider the following: H.R. 748, Child Interstate Abortion Notification Act; and H. Res. 22, Expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights, 5:15 p.m., H–313 Capitol.

Next Meeting of the **SENATE**

9:45 a.m., Tuesday, April 26

Senate Chamber

Program for Tuesday: After the transaction of any routine morning business (not to extend beyond 60 minutes), Senate will continue consideration of the motion to proceed to consideration of H.R. 3, Transportation Equity Act, and at 11:45 a.m. vote on the motion to invoke cloture on the motion to proceed.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12:30 p.m., Tuesday, April 26

House Chamber

Program for Tuesday: Consideration of Suspensions:

(1) H.R. 1158, to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988;

(2) H.R. 28, High-Performance Computing Revitalization Act of 2005;

(3) H. Con. Res. 96, recognizing the significance of African American women in the United States scientific community;

(4) H. Con. Res. 41, recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization;

(5) H.R. 1236, Mayor Tony Armstrong Memorial Post Office Designation Act;

(6) H.R. 1524, Ed Eilert Post Office Building Designation Act;

(7) H. Res. 227, recognizing and honoring the contributions of American Indians to economic innovation and society generally;

(8) H.R. 902, Presidential $1 Coin Act of 2005;

(9) H.R. 749, Expanded Access to Financial Services Act of 2005; and

(10) H. Con. Res. 81, expressing the sense of Congress regarding the two-year anniversary of the human rights crackdown in Cuba.

Extensions of Remarks, as inserted in this issue

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